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Class JK 2521

Book .M6

JUDICIAL DEPARTMENT.

CONSTITUTIONAL PROVISIONS OF OTHER STATES RELATING THERE TO COMPARED WITH THOSE OF MICHIGAN.

[Compiled by the Michigan Legislative Reference Department for the
Committee on Printing of the Constitutional Convention of 1907.]

JUDICIAL POWER VESTED.

(73) Sec. 1. *The judicial power is vested in one supreme court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the legislature in cities.—Mich. (1850), Art. 6.*

Sec. 139. The judicial power of the state shall be vested in the senate sitting as a court of impeachment, a supreme court, circuit courts, chancery courts, courts of probate, such courts of law and equity inferior to the supreme court, and to consist of not more than five members, as the legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than twenty thousand, according to the next preceding Federal census, and property assessed for taxation at a less valuation than three million five hundred thousand dollars.—*Ala. (1901), Art. 6.*

Sec. 1. The judicial power of the state shall be vested in one supreme court; in circuit courts; in county and probate courts, and in justices of the peace. The general assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation courts, courts of common pleas, where established, and when deemed expedient, may establish separate courts of chancery.—*Ark. (1874), Art. 7.*

Sec. 1. The judicial power of the state shall be vested in the senate sitting as a court of impeachment, in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may

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establish in any incorporated city, or town, or city and county.—*Cal.* (1880), *Art.* 6.

Sec. 13. The legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.—*Cal.* (1880), *Art.* 6.

Sec. 1. The judicial power of the state as to matters of law and equity, except as in this constitution otherwise provided, shall be vested in a supreme court, district courts, county courts, justices of the peace, and such other courts as may be provided by law.—*Colo.* (1876), *Art.* 6.

Sec. 1. The judicial power of the state shall be vested in a supreme court of errors, a superior court, and such inferior courts as the general assembly shall, from time to time, ordain and establish; the powers and jurisdiction of which courts shall be defined by law.—*Conn.* (1818), *Art.* 5.

Sec. 1. The judicial power of this state shall be vested in a supreme court, a superior court, a court of chancery, an orphans' court, a court of oyer and terminer, a court of general sessions, a register's court, justices of the peace and such other courts as the general assembly, with the concurrence of two-thirds of all the members elected to each house, shall from time to time by law establish.—*Del.* (1897), *Art.* 4.

Sec. 1. The judicial power of the state shall be vested in a supreme court, circuit courts, criminal courts, county courts, county judges and justices of the peace.—*Fla.* (1885), *Art.* 5.

Sec. 34. The legislature may establish in incorporated towns and cities, courts for the punishment of offenses against municipal ordinances.—*Fla.* (1885), *Art.* 5.

Sec. 1. Par. 1. The judicial powers of this state shall be vested in a supreme court, superior courts, courts of ordinary, justices of the peace, commissioned notaries public, and other courts, as have been or may be established by law.—*Ga.* (1877), *Art.* 6.

Sec. 2. The judicial power of the state shall be vested in a court for the trial of impeachments, a supreme court, district courts, probate courts, courts of justices of the peace, and such other courts inferior to the supreme court as may be established by law for any incorporated city or town.—*Idaho* (1889), *Art.* 5.

Sec. 14. The legislature may provide for the establishment of special courts for the trial of misdemeanors in incorporated cities and towns where the same may be necessary.—*Idaho* (1889), *Art.* 5.

Sec. 1. The judicial powers, except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such other courts as may

be created by law in and for cities and incorporated towns.—*Ill.* (1870), *Art.* 6.

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Sec. 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the general assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the supreme court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.—*Ill.* (1870), *Art.* 6.

Sec. 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "criminal court of Cook county." It shall have the jurisdiction of a circuit court in all cases of criminal and quasi criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in criminal and quasi criminal cases, shall be returnable and taken to said court. It shall have no jurisdiction, in civil cases, except in those on behalf of the people, and incident to such criminal or quasi criminal matters, and to dispose of unfinished business. The terms of said criminal court of Cook county shall be held by one or more of the judges of the circuit or superior court of Cook county, as nearly as may be in alternation, as may be determined by said judges, or provided by law. Said judges shall be ex officio judges of said court.—*Ill.* (1870), *Art.* 6.

Sec. 1. The judicial power of the state shall be vested in a supreme court, in circuit courts, and in such other courts as the general assembly may establish.—*Ind.* (1851), *Art.* 7.

Sec. 1. The judicial power shall be vested in a supreme court, district court, and such other courts, inferior to the supreme court, as the general assembly may, from time to time, establish.—*Iowa* (1857), *Art.* 5.

Sec. 1. The judicial power of this state shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts inferior to the supreme court as may be provided by law; and all courts of record shall have a seal, to be used in the authentication of all process.—*Kan.* (1859), *Art.* 3.

Sec. 109. The judicial power of the commonwealth, both as to matters of law and equity, shall be vested in the senate when sitting as a court of impeachment, and one supreme court (to be styled the court of appeals) and the courts established by this constitution.—*Ky.* (1891), *Sec.* 109.

Art. 84. The judicial power of the state shall be vested in a supreme court, in courts of appeal, in district courts, in justices of the peace, and in such other courts as are hereinafter provided for.—*La.* (1898), Art. 84.

Sec. 1. The judicial power of this state shall be vested in a supreme judicial court, and such other courts as the legislature shall from time to time establish.—*Me.* (1819), Art. 6.

Sec. 1. The judicial power of this state shall be vested in a court of appeals, circuit courts, orphans' courts, such courts for the city of Baltimore as are hereinafter provided for, and justices of the peace; all said courts shall be courts of record, and each shall have a seal to be used in the authentication of all process issuing therefrom. The process and official character of justices of the peace shall be authenticated as hath heretofore been practiced in this state, or may hereafter be prescribed by law.—*Md.* (1807), Art. 4.

Sec. 1. The judicial power of the state shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.—*Minn.* (1857), Art. 6.

Sec. 144. The judicial power of the state shall be vested in a supreme court and such other courts as are provided for in this constitution.—*Miss.* (1890), Art. 6.

Sec. 172. The legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever deemed expedient.—*Miss.* (1890), Art. 6.

Sec. 1. The judicial power of the state, as to matters of law and equity, except as in this constitution otherwise provided, shall be vested in a supreme court, the St. Louis court of appeals, circuit courts, criminal courts, probate courts, county courts and municipal corporation courts.—*Mo.* (1875), Art. 6.

Sec. 1. The judicial power of the state shall be vested in the senate sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, and such other inferior courts as the legislative assembly may establish in any incorporated city or town.—*Mont.* (1889), Art. 8.

Sec. 24. The legislative assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary from time to time, who shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.—*Mont.* (1889), Art. 8.

Sec. 1. The judicial power of the state shall be vested in a supreme

court, district courts, county courts, justices of the peace, police magistrates, and in such other courts inferior to the district courts as may be created by law for cities and incorporated towns.—*Veb.* (1875), *Art.* 6.

Sec. 1. The judicial power of this state shall be vested in a supreme court, district courts, and in justices of the peace. The legislature may also establish courts for municipal purposes only, in incorporated cities and towns.—*Nev.* (1864), *Art.* 6.

Sec. 9. Provision shall be made by law prescribing the powers, duties and responsibilities of any municipal court that may be established in pursuance of section one of this article; and also fixing by law the jurisdiction of said court, so as not to conflict with that of the several courts of record.—*Nev.* (1864), *Art.* 6.

1. The judicial power shall be vested in a court of errors and appeals in the last resort in all causes as heretofore; a court for the trial of impeachments; a court of chancery; a prerogative court; a supreme court; circuit courts, and such inferior courts as now exist, and as may be hereafter ordained and established by law; which inferior courts the legislature may alter or abolish, as the public good shall require.—*N. J.* (1844), *Art.* 6, *Sec.* 1, *Ch.* 1.

Sec. 18. Inferior local courts of civil and criminal jurisdiction may be established by the legislature, but no inferior local court hereafter created shall be a court of record. The legislature shall not hereafter confer upon any inferior or local courts of its creation, any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon county courts by or under this article. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the legislature may direct.—*N. Y.* (1894), *Art.* 6.

Sec. 2. The judicial power of the state shall be vested in a court for the trial of impeachments, a supreme court, superior courts, courts of justices of the peace, and such other courts inferior to the supreme court as may be established by law.—*N. C.* (1875), *Art.* 4.

Sec. 14. The general assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.—*N. C.* (1875), *Art.* 4.

Sec. 85. The judicial power of the state of North Dakota shall be vested in a supreme court, district courts, county courts, justices of the peace, and in such other courts as may be created by law for cities, incorporated towns and villages.—*N. Dak.* (1889), *Art.* 4.

Sec. 1. The judicial power of the state is vested in a supreme court, circuit courts, courts of common pleas, courts of probate, justices of the peace, and such other courts inferior to the supreme court, as the general assembly may, from time to time establish.—*Ohio* (1851), *Art.* 4 (*Amdt.* (1883)).

Sec. 1. The judicial power of this state shall be vested in the senate, sitting as a court of impeachment, a supreme court, district courts, county courts, courts of justices of the peace, municipal courts, and such other courts, commissions or boards, inferior to the supreme court, as may be established by law.—*Okla.* (1907), *Art.* 7.

Sec. 1. The judicial power of the state shall be vested in a supreme court, circuit courts, and county court, which shall be courts of record, having general jurisdiction, to be defined, limited and regulated by law in accordance with this constitution. Justices of the peace may also be vested with limited judicial powers, and municipal courts may be created to administer the regulations of incorporated towns and cities.—*Ore.* (1857), *Art.* 7.

Sec. 1. The judicial power of this commonwealth shall be vested in a supreme court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' court, magistrates' courts and in such other courts as the general assembly may from time to time establish.—*Pa.* (1873), *Art.* 5.

Sec. 1. The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.—*R. I.* (1842), *Art.* 10.

Sec. 1. The judicial power of this state shall be vested in a supreme court, in two circuit courts, to wit: A court of common pleas having civil jurisdiction and a court of general sessions with criminal jurisdiction only. The general assembly may also establish county courts, municipal courts and such courts in any or all of the counties of this state inferior to circuit courts as may be deemed necessary, but none of such courts shall ever be invested with jurisdiction to try cases of murder, manslaughter, rape or attempt to rape, arson, common law burglary, bribery or perjury: *Provided*, Before a county court shall be established in any county it must be submitted to the qualified electors and a majority of those voting must vote for its establishment.—*S. C.* (1895), *Art.* 5.

Sec. 1. The judicial powers of the state, except as in this constitution otherwise provided, shall be vested in a supreme court, circuit courts, county courts, and justices of the peace, and such other courts as may be created by law for cities and incorporated towns.—*S. D.* (1889), *Art.* 5.

Sec. 1. The judicial power of this state shall be vested in one supreme court, and in such circuit, chancery, and other inferior courts as the legislature shall, from time to time, ordain and establish; in the judges thereof, and in justices of the peace. The legislature may also vest such jurisdiction in corporation courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.—*Tenn.* (1870), *Art.* 6.

Sec. 1. The judicial power of this state shall be vested in one supreme

court, in courts of civil appeals, in a court of criminal appeals, in district courts, in county courts, in commissioners' courts, in courts of justices of the peace, and in such other courts as may be provided by law. The criminal district court of Galveston and Harris counties shall continue with the district, jurisdiction, and organization now existing by law until otherwise provided by law. The legislature may establish such other courts as it may deem necessary, and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.—*Tex.* (1875), *Art. 5 (Amdt. 1891)*.

Sec. 1. The judicial power of the state shall be vested in the senate sitting as a court of impeachment, in a supreme court, in district courts, in justices of the peace, and such other courts inferior to the supreme court as may be established by law.—*Utah* (1896), *Art. 8*.

Sec. 4. Courts of justice shall be maintained in every county in this state, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered, without corruption, or unnecessary delay. The judges of the supreme court shall be justices of the peace throughout the state; and the several judges of the county courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the county court.—*Vt.* (1793), *Chap. 2*.

Sec. 87. The judiciary department shall consist of a supreme court of appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges thereof, except so far as conferred by this constitution, shall be regulated by law.—*Va.* (1902), *Art. 6*.

Sec. 1. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.—*Wash.* (1889), *Art. 4*.

Sec. 1. The judicial power of the state shall be vested in a supreme court of appeals, in circuit courts and the judges thereof, in such inferior tribunals as are herein authorized and in justices of the peace.—*W. Va.* (1872), *Art. 8*.

Sec. 19. The legislature may establish courts of limited jurisdiction within any county, incorporated city, town or village, with the right of appeal to the circuit court, subject to such limitations as may be prescribed by law; and all courts of limited jurisdiction heretofore established in any county, incorporated city, town or village, shall remain as at present constituted until otherwise provided by law. The municipal court of Wheeling shall continue in existence until otherwise provided by law, and said court and the judge thereof, shall exercise the powers and jurisdiction heretofore conferred upon them; and appeals in civil cases from said court shall lie directly to the supreme court of appeals.—*W. Va.* (1872), *Art. 8*.

Sec. 2. The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, courts of probate, and in justices of the peace. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction: *Provided*, That the jurisdiction which may be vested in municipal courts, shall not exceed, in their respective municipalities, that of circuit courts, in their respective circuits, as prescribed in this constitution: And that the legislature shall provide as well for the election of judges of the municipal courts, as of the judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the circuit court.—*Wis.* (1848), *Art.* 7.

Sec. 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, courts of arbitration and such courts as the legislature may, by general law, establish for incorporated cities or incorporated towns.—*Wyo.* (1889), *Art.* 5.

SPECIAL COURT OF APPEALS.

Sec. 89. The general assembly may, from time to time, provide for a special court of appeals to try any cases on the docket of the supreme court of appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of either of said courts, or of any of the judges of said courts together with one or more of the judges of the supreme court of appeals.—*Va.* (1902), *Art.* 6, *Sec.* 89.

COURTS OF CHANCERY.

Sec. 145. The legislature shall have power to establish a court or courts of chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The state shall be divided by the legislature into convenient chancery divisions; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided in the division for which he shall be elected or appointed for one year next preceding his election or appointment, and shall reside therein during his continuance in office.—*Ala.* (1901), *Art.* 6.

Sec. 146. A chancery court, or a court having the jurisdiction of the chancery court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary, and shall do so when directed by law.—*Ala.* (1901), *Art.* 6.

Sec. 10. The chancellor shall hold the court of chancery. This court shall have all the jurisdiction and powers vested by the laws of this state in the court of chancery.—*Del.* (1897), *Art.* 4.

Sec. 16. In matters of chancery jurisdiction in which the chancellor is interested or otherwise disqualified, the chief justice shall have jurisdiction, and there shall be an appeal to the supreme court, which shall in this case consist of the four associate judges, the senior associate judge present presiding. Any three of them shall constitute a quorum, and one of them may open and adjourn court.—*Del.* (1897), *Art.* 4.

Sec. 17. The chief justice, or, in case of his absence from the state or disability, the senior associate judge, shall have power, during the absence of the chancellor from the state or his temporary disability, to grant restraining orders and preliminary injunctions, pursuant to the rules of the court of chancery: *Provided*, That nothing herein contained shall be construed to confer general jurisdiction over the case.—*Del.* (1897), *Art.* 4.

Sec. 21. Until the general assembly shall otherwise provide, the chancellor shall exercise all the powers which any law of this state vests in the chancellor, besides the general powers of the court of chancery, and the chief justice and associate judges shall each singly exercise all the powers which any law of this state vests in the judges singly of the superior court.—*Del.* (1897), *Art.* 4.

Sec. 159. The chancery court shall have full jurisdiction in the following matters and cases, viz.:

- (a) All matters in equity;
- (b) Divorce and alimony;
- (c) Matters testamentary and of administration;
- (d) Minor's business;
- (e) Cases of idiocy, lunacy, and persons of unsound mind;
- (f) All cases of which the said court had jurisdiction under the laws in force when this constitution is put in operation.—*Miss.* (1890), *Art.* 6.

Sec. 160. And in addition to the jurisdiction heretofore exercised by the chancery court in suits to try title and to cancel deeds and other clouds upon title to real estate, it shall have jurisdiction in such cases to decree possession, and to displace possession; to decree rents and compensation for improvements and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may exercise such jurisdiction to grant the relief sought, although the legal remedy may not have been exhausted or the legal title established by a suit at law.—*Miss.* (1890), *Art.* 6.

Sec. 161. And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received, or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit

court, that court may, on application of the defendant, transfer the cause to the chancery court, if it appear that the accounts to be investigated are mutual and complicated.—*Miss.* (1890), *Art.* 6.

Sec. 162. All causes that may be brought in the chancery court whereof the circuit court has exclusive jurisdiction shall be transferred to the circuit court.—*Miss.* (1890), *Art.* 6.

Sec. 163. The legislature shall provide by law for the due certification of all causes that may be transferred to or from any chancery court or circuit court, for such reformation of the pleadings therein as may be necessary, and the adjudication of the costs of such transfer.—*Miss.* (1890), *Art.* 6.

Sec. 164. A chancery court shall be held in each county at least twice in each year.—*Miss.* (1890), *Art.* 6.

1. The court of chancery shall consist of a chancellor.—*N. J.* (1844), *Art.* 6, *Sec.* 4, *Cl.* 1.

2. The chancellor shall be the ordinary or surrogate general, and judges of the prerogative court.—*N. J.* (1844), *Art.* 6, *Sec.* 4, *Cl.* 2.

Sec. 5. A future legislature may, when they shall conceive the same to be expedient and necessary, erect a court of chancery, with such powers as are usually exercised by that court, or as shall appear for the interest of the commonwealth; provided they do not constitute themselves the judges of the said court.—*Vt.* (1793), *Chap.* 2.

COURTS OF LAND REGISTRATION.

Sec. 100. The general assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the state, or any part thereof.—*Va.* (1902), *Art.* 6.

Sec. 103. The judges of county courts, clerks, sheriffs, surveyors, coroners, jailers, constables, and such other officers as the general assembly may, from time to time require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.—*Ky.* (1891), *Sec.* 103.

COUNTY COURTS.

Sec. 28. The county courts shall have exclusive original jurisdiction in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be neces-

sary to the internal improvement and local concerns of the respective counties. The county court shall be held by one judge, except in cases otherwise herein provided.—*Ark. (1874), Art. 7.*

Sec. 29. The judge of the county court shall be elected by the qualified electors of the county for the term of two years. He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education and a resident of the state for two years before his election, and a resident of the county at the time of his election and during his continuance in office.—*Ark. (1874), Art. 7.*

Sec. 31. The terms of the county courts shall be held at the times that are now prescribed for holding the supervisors' courts, or may hereafter be prescribed by law.—*Ark. (1874), Art. 7.*

Sec. 32. The general assembly may authorize the judge of the county court of any one or more counties to hold severally a quarterly court of common pleas in their respective counties, which shall be a court of record, with such jurisdiction in matters of contract and other civil matters not involving title to real estate as may be vested in such court.—*Ark. (1874), Art. 7.*

Sec. 33. Appeals from all judgments of county courts or courts of common pleas, when established, may be taken to the circuit court under such restrictions and regulations as may be prescribed by law.—*Ark. (1874), Art. 7.*

Sec. 36. Whenever the judge of the county or probate court may be disqualified from presiding in any cause or causes pending in his court he shall certify the facts to the governor of the state, who shall thereupon commission a special judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.—*Ark. (1874), Art. 7.*

Sec. 37. The county judge shall receive such compensation for his services as presiding judge of the county court, as judge of the court of probate and judge of the court of common pleas, when established, as may be provided by law. In the absence of the circuit judge from the county the county judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the court having jurisdiction: *Provided*, That either party may have such order reviewed by any superior judge in vacation in such manner as shall be provided by law. The county judge shall have power, in the absence of the circuit judge from the county, to issue, hear and determine writs of habeas corpus under such regulations and restrictions as shall be provided by law.—*Ark. (1874), Art. 7.*

Sec. 22. There shall be elected at the general election in each organized county in the year nineteen hundred and four, and every four years thereafter, a county judge, who shall be judge of the county court of said county, whose term of office shall be four years, and who shall be

paid such salary or compensation, either from the fees and emoluments of his office or from the general county fund, as shall be provided by law. The term of office of the county judges serving at the time of the adoption of this amendment is hereby extended to the second Tuesday of January, in the year A. D. 1905.—*Colo.* (1876), *Art.* 6.

Sec. 23. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may be conferred by law: *Provided*, Such courts shall not have jurisdiction in any case where the debt, damage, or claim, or value of property involved, shall exceed two thousand dollars, except in cases relating to the estates of deceased persons.

Appeals may be taken from county to district courts, or to the supreme court, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the supreme court to every final judgment of the county court. No appeal shall lie to the district court from any judgment given upon an appeal from a justice of the peace.—*Colo.* (1876), *Art.* 6.

Sec. 24. The general assembly shall have power to create and establish a criminal court in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the district courts in all criminal cases not capital; the terms of such courts to be as provided by law.—*Colo.* (1876), *Art.* 6.

Sec. 16. There shall be in each county a county judge who shall be elected by the qualified electors of said county at the time and places of voting for other county officers and shall hold his office for four years. His compensation shall be provided for by law.—*Fla.* (1885), *Art.* 5.

Sec. 17. The county judge shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements; and of such criminal cases as the legislature may prescribe. The county judge shall have jurisdiction of the settlement of the estates of decedents and minors, to order the sale of real-estate of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate and shall issue all licenses required by law to be issued in the county.—*Fla.* (1885), *Art.* 5.

Sec. 18. The legislature may organize in such counties, as it may think proper, county courts which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the courts of justices of the peace. The trial of such appeals may be de novo at the option of

appellant. The county judge shall be the judge of said court. There shall be elected by the qualified electors of said county at the time when the said judge is elected a prosecuting attorney for said county, who shall hold office for four years. His duties and compensation shall be prescribed by law. Such courts may be abolished at the pleasure of the legislature.—*Fla.* (1885), *Art.* 5.

Sec. 24. There shall be established in the county of Escambia, and upon application of a majority of the registered voters in such other counties as the legislature may deem expedient, a criminal court of record, and there shall be one judge for each of the said courts, who shall be appointed by the governor, and confirmed by the senate, who shall hold his office for four years, and whose salary shall be one thousand dollars a year, the counties paying the salaries.—*Fla.* (1885), *Art.* 5.

Sec. 25. The said courts shall have jurisdiction of all criminal cases not capital which shall arise in said counties respectively.—*Fla.* (1885), *Art.* 5.

Sec. 26. There shall be six terms of said courts in each year.—*Fla.* (1885), *Art.* 5, *Sec.* 26.

Sec. 27. There shall be for each of said courts a prosecuting attorney, who shall be appointed by the governor and confirmed by the senate, and who shall hold his office for four years. His compensation shall be fixed by law.—*Fla.* (1885), *Art.* 5.

Sec. 28. All offenses triable in said court shall be prosecuted upon information under oath, to be filed by the prosecuting attorney, but the grand jury of the circuit court for the county in which said criminal court is held may indict for offenses triable in the criminal court. Upon the finding of such indictment the circuit judge shall commit or bail the accused for trial in the criminal court, which trial shall be upon information.—*Fla.* (1885), *Art.* 5.

Sec. 29. The county courts in counties where such criminal courts are established shall have no criminal jurisdiction and no prosecuting attorney.—*Fla.* (1885), *Art.* 5.

Sec. 30. The clerk of said court shall be elected by the electors of the county in which the court is held and shall hold office for four years, and his compensation shall be fixed by law. He shall also be clerk of the county court. The sheriff of the county shall be the executive officer of said court, and his duties and fees shall be fixed by law.—*Fla.* (1885), *Art.* 5.

Sec. 32. Such courts may be abolished by the legislature.—*Fla.* (1885), *Art.* 5.

Sec. 18. There shall be elected in and for each county one county judge and one clerk of the county court, whose terms of office shall be four years. But the general assembly may create districts of two or

more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlements of their accounts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.—*Ill.* (1870), *Art.* 6.

Sec. 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.—*Ill.* (1870), *Art.* 6.

Sec. 139. There shall be established in each county now existing, or which may be hereafter created, in this state, a court, to be styled the quarterly court, the jurisdiction of which shall be uniform throughout the state, and shall be regulated by a general law, and, until changed, shall be the same as that now vested by law in the quarterly courts of this commonwealth. The judges of the county court shall be the judges of the quarterly courts.—*Ky.* (1891), *Sec.* 139.

Sec. 140. There shall be established in each county now existing, or which may be hereafter created, in this state, a court to be styled the county court, to consist of a judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the governor, and shall vacate his office by removal from the county in which he may have been elected.—*Ky.* (1891), *Sec.* 140.

Sec. 141. The jurisdiction of the county court shall be uniform throughout the state, and shall be regulated by general law, and, until changed, shall be the same as now vested in the county courts of this state by law.—*Ky.* (1891), *Sec.* 141.

Sec. 144. Counties shall have a fiscal court, which may consist of the judge of the county court and the justices of the peace, in which court the judge of the county court shall preside, if present; or a county may have three commissioners, to be elected from the county at large, who, together with the judge of the county court, shall constitute the fiscal court. A majority of the members of said court shall constitute a court for the transaction of business. But where, for county governmental purposes, a city is by law separated from the remainder of the county, such commissioners may be elected from the part of the county outside of such city.—*Ky.* (1891), *Sec.* 144.

Sec. 36. In each county there shall be a county court, which shall be a court of record, and shall have jurisdiction to transact all county and such other business as may be prescribed by law. The court shall consist of one or more judges, not exceeding three, of whom the probate judge may be one, as may be provided by law.—*Mo.* (1875), *Art.* 6.

Sec. 15. There shall be elected in and for each organized county one judge, who shall be judge of the county court of such county, and whose term of office shall be two years.—*Neb.* (1875), *Art.* 6.

Sec. 13. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, appointment of guardians, and settlement of their accounts; in all matters relating to apprentices; and such other jurisdiction as may be given by general law. But they shall not have jurisdiction in criminal cases in which the punishment may exceed six months imprisonment, or a fine of over five hundred dollars; nor in actions in which title to real estate is sought to be recovered, or may be drawn in question; nor in actions on mortgages or contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars.—*Neb.* (1875), *Art.* 6.

Sec. 17. Appeals to the district courts from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.—*Neb.* (1875), *Art.* 6.

Sec. 14. The existing county courts are continued, and the judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be two county judges and the additional county judge shall be chosen at the next general election held after the adoption of this article. The successors of the several county judges shall be chosen by the electors of the counties for the term of six years. County courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The legislature may hereafter enlarge or redistrict the jurisdiction of the county courts: *Provided, however,* That their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded exceeds two thousand dollars, or in which any person not a resident of the county is a defendant.

Courts of sessions, except in the county of New York, are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All the jurisdiction of the court of sessions in each county, except the county of New York, shall thereupon be vested in the county court thereof, and all actions and proceedings then pending in such courts of sessions shall be transferred to said county courts for hearing and determination. Every county judge shall perform such duties as may be required by law. His salary shall be established by law, payable out of the county treasury. A county judge of any county may hold county courts in any other county when requested by the judge of such other county.—*N. Y.* (1894), *Art.* 6.

Sec. 110. There shall be established in each county a county seat, which shall be a court of record open at all times and holden by one judge, elected by the electors of the county, and whose term of office shall be two years.—*N. Dak.* (1889), *Art.* 4.

Sec. 111. The county court shall have exclusive original jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, the sale of lands by executors, administrators and guardians, and such other probate jurisdiction as may be conferred by law: *Provided*, That whenever the voters of any county having a population of two thousand or over shall decide by a majority vote that they desire the jurisdiction of said court increased above that limited by this constitution, then said county court shall have concurrent jurisdiction with the district courts in all civil actions where the amount in controversy does not exceed one thousand dollars, and in all criminal actions below the grade of felony, and in case it is decided by the voters of any county to so increase the jurisdiction of said county court, the jurisdiction in cases of misdemeanors, arising under state laws which may have been conferred upon police magistrates, shall cease. The qualifications of the judge of the county court in counties where the jurisdiction of said court shall have been increased shall be the same as those of the district judge, except that he shall be a resident of the county at the time of his election, and said county judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction as thus increased shall remain until otherwise provided by law.—*N. Dak.* (1889), *Art.* 4.

Sec. 114. Appeals shall lie from the county court, final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.—*N. Dak.* (1889), *Art.* 4.

Sec. 11. There is hereby established in each county in this state a county court, which shall be a court of record; and, at the election to ratify this constitution, there shall be elected in each county a county judge, who shall hold his office until the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and thereafter the term of office of the county judge shall be two years, and he shall be elected at each biennial general election. The county judge shall be a qualified voter and a resident of the county at the time of his election, and a lawyer licensed to practice in any court of record of the state. The county judge shall be judge of the county court.—*Okla.* (1907), *Art.* 7.

Sec. 12. The county court, co-extensive with the county, shall have original jurisdiction in all probate matters, and until otherwise provided by law, shall have concurrent jurisdiction with the district court in civil cases in any amount not exceeding one thousand dollars, exclusive of interest: *Provided*, That the county court shall not have jurisdiction in any action for malicious prosecution, or in any action for divorce or alimony, or in any action against officers for misconduct in office, or in actions for slander or libel, or in actions for the specific performance of contracts for the sale of real estate, or in any matter wherein the title or boundaries of land may be in dispute or called in question; nor to order or decree the partition or sale of real estate, not arising under its probate jurisdiction.

It shall have such appellate jurisdiction of the judgments of justices of the peace in civil and criminal cases as may be provided by law, or in this constitution. The county court shall have jurisdiction concurrent with justices of the peace in misdemeanor cases and exclusive jurisdiction in all misdemeanor cases of which justices of the peace have not jurisdiction. In the absence of the judge of the district court from the county, or in case of his disqualification for any reason, the county court, or judge thereof, shall have power to issue writs of injunction in matters about to be brought or pending in the district court; and to issue writs of injunction, mandamus, and all writs necessary to enforce the jurisdiction of the county courts; and issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court.

When the county judge is disqualified in any case pending in the county court, a judge pro tempore may be selected in the manner provided for the selection of judges pro tempore in the district court.—*Okla.* (1907), *Art.* 7.

Sec. 13. The county court shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the sale, settlement, partition, and distribution of the estates thereof. The county court shall be held at the county seat, but the legislature may provide for holding sessions of the county court at not more than two additional places in the county: *Provided*, That alternate sessions of county court in Le Flore county shall be held at Talihina.—*Okla.* (1907), *Art.* 7.

Sec. 14. Until otherwise provided by law, the county court shall have jurisdiction of all cases on appeals from judgments of the justices of the peace in civil and criminal cases; and in all cases, civil and criminal, appealed from justices of the peace to such county court, there shall be a trial de novo on questions of both law and fact.—*Okla.* (1907), *Art.* 7.

Sec. 15. Appeals and proceedings in error shall be taken from the judgments of county courts direct to the supreme court, in all cases appealed from justices of the peace, and in all criminal cases of which the county court is vested with jurisdiction, and in all civil cases originally brought in the county court, in the same manner and by like proceedings as appeals are taken to the supreme court from the judgments of the district court.—*Okla.* (1907), *Art.* 7.

Sec. 16. Until otherwise provided by law, in all cases arising under the probate jurisdiction of the county court, appeals may be taken from the judgments of the county court to the district court of the county in the same manner as is now provided by the laws of the territory of Oklahoma for appeals from probate court to the district court, and in all cases appealed from the county court to the district court, the cause

shall be tried de novo in the district court upon questions of both law and fact.—*Okla.* (1907), *Art.* 7.

Sec. 17. County courts shall also have and exercise the jurisdiction of examining and committing magistrates in all criminal cases.—*Okla.* (1907), *Art.* 7.

Sec. 11. There shall be elected in each county, for the term of four years, a county judge, who shall hold the county court at times to be regulated by law.—*Ore.* (1857), *Art.* 7.

Sec. 13. The county judge may grant preliminary injunctions and such other writs as the legislative assembly may authorize him to grant, returnable to the circuit court, or otherwise, as may be provided by law; and may hear and decide questions arising upon habeas corpus: *Provided*, Such decision be not against the authority or proceedings of a court or judge of equal or higher jurisdiction.—*Ore.* (1857), *Art.* 7.

Sec. 14. The counties having less than ten thousand white inhabitants shall be reimbursed, wholly or in part, for the salary and expenses of the county court, by fees, percentage, and other equitable taxation of the business done in said court, and in the office of the county clerk.—*Ore.* (1857), *Art.* 7.

Sec. 19. There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.—*S. D.* (1889), *Art.* 5.

Sec. 20. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, guardianship, and settlement of estates of deceased persons, and such other civil and criminal jurisdiction as may be conferred by law: *Provided*, That such court shall not have jurisdiction in any case where the debt, damage, claim or value of property involved shall exceed one thousand dollars, except in matters of probate, guardianship and the estates of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the supreme court in such cases and in such manner as may be prescribed by law: *Provided*, That no appeal or writ of error shall be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.—*S. D.* (1889), *Art.* 5.

Sec. 21. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment, but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecution therein may be by information or otherwise as the legislature may provide.—*S. D.* (1889), *Art.* 5.

Sec. 15. There shall be established in each county in this state a county court, which shall be a court of record; and there shall be elected

in each county by the qualified voters, a county judge, who shall be well informed in the law of the state, shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.—*Tex.* (1875), *Art.* 5.

Sec. 16. The county court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction it not given to the justice's court as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed \$200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value \$200 and not exceed \$500, exclusive of interest; and concurrent jurisdiction with the district court when the matter in controversy shall exceed \$500 and not exceed \$1,000, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases civil and criminal of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed \$20, exclusive of cost, under such regulations as may be prescribed by law. In all appeals from justice's court there shall be a trial de novo in the county court, and appeals may be prosecuted from the final judgment rendered in such cases by the county court, as well as all cases civil and criminal of which the county court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the court of civil appeals and in such criminal cases to the court of criminal appeals, with such exceptions and under such regulations as may be prescribed by law. The county court shall have the general jurisdiction of a probate court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons; and to apprentice minors, as provided by law; and the county court or judge thereof shall have power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court unless expressly conferred by law; and in such counties appeals from justices' courts and other inferior courts and tribunals in criminal cases shall be to the criminal district court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such district court to the court of criminal appeals. When the judge of the county court is disqualified in any case pending in the county court the parties interested may by consent appoint a proper person to try said case; or upon their failing to do so, a competent person to try said case; or upon same in the county where it is pending, in such manner as may be prescribed by law.—*Tex.* (1875), *Art.* 5 (*Amdt.* 1891).

Sec. 17. The county court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the district courts shall inquire into misdemeanors, and all indictments therefor returned into the district courts shall forthwith be certified to the county courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the county court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.—*Tex.* (1875), *Art.* 5.

Sec. 22. The legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of county courts; and in cases of any such change of jurisdiction the legislature shall also conform the jurisdiction of the other courts to such change.—*Tex.* (1875), *Art.* 5.

Sec. 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the legislature, or by the commissioners' court of the county under authority of law, and such other terms each year as may be fixed by the commissioners' court: *Provided*, The commissioners' court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.—*Tex.* (1875), *Art.* 5 (*Amdt.* 1883).

Art. 14. The assistant judges of the county court shall be elected by the freemen of their respective counties.—*Vt.* (1793), (*Amdt.*) *Art.* 14.

Sec. 22. There shall be in each county of the state a county court, composed of three commissioners, and two of said commissioners shall be a quorum for the transaction of business. It shall hold four regular sessions in each year, at such times as may be fixed upon and entered of record by the said court. Provision may be made by law for holding special sessions of said court.—*W. Va.* (1872), *Art.* 8.

Sec. 23. The commissioners shall be elected by the voters of the county, and hold their office for the term of six years, except at the first

meeting of said commissioners they shall designate by lot, or otherwise, in such manner as they may determine, one of their number, who shall hold his office for the term of two years, one for four years and one for six years, so that one shall be elected every two years. But no two of said commissioners shall be elected from the same magisterial district. And if two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district who shall receive the next highest number of votes shall be declared elected. Said commissioners shall annually elect one of their number as president, and each shall receive two dollars per day for his services in court, to be paid out of the county treasury.—*W. Va. (1872). Art. 8.*

Sec. 24. The county courts, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of, as now is or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts, and in all matters relating to apprentices. They shall also, under such regulations as may be prescribed by law, have the superintendence and administration of the internal and police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies: *Provided*, That no license for the sale of intoxicating liquors in any incorporated city, town or village, shall be granted without the consent of the municipal authorities thereof, first had and obtained. They shall, in all cases of contest, judge of the election, qualification and returns of their own members, and of all county and district officers, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law. And provision may be made, under such regulations as may be prescribed by law, for the probate of wills and for the appointment and qualification of personal representatives, guardians, committees and curators during the recesses of the regular sessions of the county court. Such tribunals as have been heretofore established by the legislature under and by virtue of the thirty-fourth section of the eighth article of the constitution of one thousand eight hundred and seventy-two for police and fiscal purposes, shall, until otherwise provided by law, remain and continue as at present constituted in the counties in which they have been respectively established, and shall be and act as to police and fiscal matters in lieu of the county court created by this article until otherwise provided by law. And, until otherwise provided by law, such clerk as is mentioned in the twenty-sixth section of this article, shall exercise any powers and discharge any duties heretofore conferred on, or required of, any court or tribunal established for judicial purposes under the said article and section of the constitution of one thousand eight hundred and seventy-two, or the clerk of such court or tribunal respectively, respecting the recording and preservation of deeds and other papers presented for record, matters of probate, the appoint-

ment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts, and in all matters relating to apprentices.—*W. Va. (1872), Art. 8.*

Sec. 25. All actions, suits and proceedings not embraced in the next preceding section, pending in a county court when this article takes effect, together with the records and papers pertaining thereto, as well as all records and papers pertaining to such actions, suits and proceedings, as have already been disposed of by said courts, shall be transmitted to and filed with the clerk of the circuit court of the county, to which office all process outstanding at the time this article goes into operation shall be returned; and said clerk shall have the same power and shall perform the same duties in relation to such records, papers and proceedings as were vested in and required of the county court on the day before this article shall take effect. All such actions, suits and proceedings so pending as aforesaid, shall be docketed, proceeded in, tried, heard and determined in all respects by the circuit court, as if such suits and proceedings had originated in said court.—*W. Va. (1872), Art. 8.*

Sec. 26. The voters of each county shall elect a clerk of the county court, whose term of office shall be six years. His duties and compensations and the manner of his removal shall be prescribed by law. But the clerks of said courts, now in office, shall remain therein for the term for which they have been elected, unless sooner removed therefrom, in the manner prescribed by law.—*W. Va. (1872), Art. 8.*

Sec. 29. The legislature shall, upon the application of any county, reform, alter or modify the county court established by this article in such county, and in lieu thereof, with the assent of a majority of the voters of such county voting at an election create another tribunal for the transaction of the business required to be performed by the county court created by this article; and in such case all the provisions of this article in relation to the county court shall be applicable to the tribunal established in lieu of said court. And when such tribunal has been established it shall continue to act in lieu of the county court until otherwise provided by law.—*W. Va. (1872), Art. 8.*

COURTS OF SPECIAL SESSIONS.

Sec. 23. Courts of special sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.—*N. Y. (1894), Art. 6.*

CORPORATION COURTS.

Sec. 98. For the purposes of a judicial system, the cities of the state shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than

ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a corporation court. In any city containing thirty thousand inhabitants or more, the general assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court existing, at the time this constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified electors of such city, at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law; and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions at law and suits in equity.—*Va. (1902), Art. 6.*

Sec. 99. For each city court of record a judge shall be chosen by the joint vote of the two houses of the general assembly. He shall, when chosen, possess the same qualifications as judges of the supreme court of appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this constitution, the general assembly shall elect, as nearly as practicable, one-fourth of the entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.—*Va. (1902), Art. 6.*

BALTIMORE CITY COURTS.

Sec. 27. There shall be in the eighth judicial circuit six courts, to be styled the supreme bench of Baltimore city, the superior court of Baltimore city, the court of common pleas, the Baltimore city court, the circuit court of Baltimore city and the criminal court of Baltimore.—*Md. (1867), Art. 4.*

Sec. 28. The superior court of Baltimore city, the court of common pleas, and the Baltimore city court shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the superior court of Baltimore city and the court of common pleas now have, except jurisdiction in equity, and except in applications for the benefit of the insolvent laws of Maryland, and in cases of appeal from judgments of justices of the peace in said city, whether civil or criminal, or arising under the ordinances of the mayor and city council of Baltimore, of all of which appeal cases the Baltimore city court shall have exclusive jurisdiction; and the said court of common pleas shall have exclusive jurisdiction in all applications for the benefit of the insolvent laws of Maryland, and the supervision and control of the trustees thereof.

Sec. 29. The circuit court of Baltimore city shall have exclusive jurisdiction in equity within the limits of said city, and all such jurisdiction as the present circuit court of Baltimore city has: *Provided*, The said court shall not have jurisdiction in applications for the writ of habeas corpus in cases of persons charged with criminal offenses.

Sec. 30. The criminal court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the criminal court of Baltimore, except in such appeal cases as are herein assigned to the Baltimore city court.

Sec. 31. There shall be elected by the legal and qualified voters of said city, at the election, hereinbefore provided for, one chief judge and four associate judges, who, together, shall constitute the supreme bench of Baltimore city, and shall hold their offices for the term of fifteen years, subject to the provisions of this constitution with regard to the election and qualifications of judges and their removal from office, and shall exercise the jurisdiction, hereinafter specified, and shall each receive an annual salary of four thousand five hundred dollars, payable quarterly, which shall not be diminished during their term of office; but authority is hereby given to the mayor and city council of Baltimore to pay to each of the said judges an annual addition of five hundred dollars to their respective salaries: *Provided*, That the same being once granted shall not be diminished nor increased during the continuance of said judges in office.

Sec. 32. It shall be the duty of the said supreme bench of Baltimore city, as soon as the judges thereof shall be elected and duly qualified, and from time to time to provide for the holding of each of the aforesaid courts, by the assignment of one or more of their number to each of the said courts, who may sit either separately or together in the trial of cases; and the said supreme bench of Baltimore city may, from time to time, change the said assignment, as circumstances may require, and the public interest may demand; and the judge or judges, so assigned to the said several courts, shall, when holding the same, have all the powers and exercise all the jurisdiction which may belong to the court so being held; and it shall also be the duty of the said supreme bench of Baltimore city, in case of the sickness, absence or disability of any judge or judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said judge or judges, as aforesaid, before some one or more of the judges of said court.

Sec. 33. The said supreme bench of Baltimore city shall have power,

and it shall be its duty, to provide for the holding of as many general terms as the performance of its duties may require, such general terms to be held by not less than three judges; to make all needful rules and regulations for the conduct of business in each of the said courts, during the session thereof, and in vacation, or in chambers, before any of said judges; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said courts, where such motions arise either, on questions of fact, or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law determined by the said judge, or judges, while holding said several courts; and the said supreme bench of Baltimore city shall make all needful rules and regulations for the hearing before it of all said matters; and the same right of appeal to the court of appeals shall be allowed from the determination of the said court on such matters, as would have been the right of the parties if said matters had been decided by the court in which said cases were tried.

The judge, before whom any case may hereafter be tried, in either the Baltimore city court, the superior court of Baltimore city, or the court of common pleas, shall have exclusive jurisdiction to hear and determine, and the said judge shall hear and determine all motions for a new trial where such motions arise, either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law, determined by the said judge, and all such motions shall be heard and determined within thirty days after they are made.

Sec. 34. No appeal shall lie to the supreme bench of Baltimore city from the decision of the judge or the judges holding the Baltimore city court in case of appeal from a justice of the peace; but the decision by said judge or judges shall be final; and all writs and other process issued out of either of said courts, requiring attestation, shall be attested in the name of the chief judge of the said supreme bench of Baltimore city.

Sec. 35. Three of the judges of said supreme bench of Baltimore city shall constitute a quorum of said court.

Sec. 36. All causes depending, at the adoption of this constitution, in the superior court of Baltimore city, the court of common pleas, the criminal court of Baltimore, and the circuit court of Baltimore city, shall be proceeded in, and prosecuted to final judgment or decree, in the courts, respectively, of the same name established by this constitution, except cases belonging to that class, jurisdiction over which is by this constitution transferred to the Baltimore city court, all of which shall, together with all cases now pending in the city court of Baltimore, be proceeded in and prosecuted to final judgment in said Baltimore city court.

Sec. 37. There shall be a clerk of each of the said courts of Baltimore city, except the supreme bench, who shall be elected by the legal and qualified voters of said city, at the election to be held in said city on the Tuesday next after the first Monday of November, in the year nineteen hundred and sixty six, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a court of law. The salary of each of the said clerks shall be thirty-five hundred dollars a year, pay-

able only out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of clerk of any of said courts, the judges of said supreme bench of Baltimore city shall have power to fill such vacancy until the general election of delegates to the general assembly to be held next thereafter, when a clerk of said court shall be elected to serve for six years thereafter; and the provisions of this article in relation to the appointment of deputies by the clerks of the circuit courts in the counties shall apply to the clerks of the courts in Baltimore city.

Sec. 38. The clerk of the court of common pleas shall have authority to issue within said city all marriage and other licenses required by law, subject to such provisions as are now or may be prescribed by law. The clerk of the superior court of said city shall receive and record all deeds, conveyances and other papers, which are or may be required by law to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the law or equity side of Baltimore county court and the dockets thereof, so far as the same have relation to the city of Baltimore, and shall also discharge the duties of clerk to the supreme bench of Baltimore city unless otherwise provided by law.

Sec. 39. The general assembly shall, as often as it may think the same proper and expedient, provide by law for the election of an additional judge of the supreme bench of Baltimore city, and whenever provision is so made by the general assembly, there shall be elected by the voters of said city another judge of the supreme bench of Baltimore city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers as are, or shall be, provided by the constitution or laws of this state, for the judges of said supreme bench of Baltimore city, and the general assembly may provide by laws, or the supreme bench by its rules for requiring causes in any of the courts of Baltimore city to be tried before the court without a jury, unless the litigants or some one of them shall within such reasonable time or times as may be prescribed, elect to have their causes tried before a jury. And the general assembly may reapportion, change or enlarge the jurisdiction of the several courts in said city.

Sec. 40. The qualified voters of the city of Baltimore, and of the several counties, shall on the Tuesday next after the first Monday in November next, and on the same day in every fourth year thereafter, elect three men to be judges of the orphans' courts of said city and counties, respectively, who shall be citizens of the state, and residents for the twelve months preceding, in the city, or county, for which they may be elected. They shall have all the powers now vested in the orphans' courts of the state, subject to such changes as the legislature may prescribe. Each of said judges shall be paid a per diem for the time they are actually in session, to be regulated by law, and to be paid by the said city, or counties, respectively. In case of a vacancy in the office of judge of the orphans' court, the governor shall appoint, subject to confirmation or rejection by the senate, some suitable persons to fill the same for the residue of the term.

ST. LOUIS COURT OF APPEALS.

Sec. 12. There is hereby established in the city of St. Louis an appellate court, to be known as the "St. Louis court of appeals," the jurisdiction of which shall be co-extensive with the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren. Said court shall have power to issue writs of habeas corpus, *puo warranto*, *mandamus*, *certiorari*, and other original remedial writs, and to hear and determine the same; and shall have a superintending control over all inferior courts of record in said counties. Appeals shall lie from the decisions of the St. Louis court of appeals to the supreme court, and writs of error may issue from the supreme court to said court in the following cases only: In all cases where the amount in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the constitution of the United States or of this state; in cases where the validity of a treaty or statute of or authority exercised under the United States is drawn in question; in cases involving the construction of the revenue laws of this state, or the title to any office under this state; in cases involving title to real estate; in cases where a county or other political subdivision of the state or any state officer is a party, and in all cases of felony.—*Mo.* (1875), *Art.* 6.

Sec. 13. The St. Louis court of appeals shall consist of three judges, to be elected by the qualified voters of the city of St. Louis, and the counties of St. Louis, St. Charles, Lincoln and Warren, who shall hold their offices for the period of twelve years. They shall be residents of the district composed of said counties, shall possess the same qualifications as judges of the supreme court, and each shall receive the same compensation as is now or may be provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources: *Provided*, That each of said counties shall pay its proportional part of the same, according to its taxable property.

Sec. 14. The judges of said court shall be conservators of the peace throughout said counties. Any two of said judges shall constitute a quorum. There shall be two terms of said court to be held each year, on the first Mondays of March and October, and the first term of said court shall be held on the first Monday in January, 1876.

Sec. 15. The opinions of said court shall be in writing, and shall be filed in the cases in which they shall be respectively made, and become parts of their record; and all laws relating to the practice in the supreme court shall apply to this court, so far as the same may be applicable.

Sec. 16. At the first general election held in said city and counties after the adoption of this constitution, three judges of said court shall be elected, who shall determine by lot the duration of their several terms of office, which shall be respectively four, eight and twelve years, and certify the result to the secretary of state; and every four years thereafter one judge of said court shall be elected to hold office for the term of twelve years. The term of office of such judges shall begin on the first Monday in January next ensuing their election. The judge having the oldest license to practice law in this state shall be the presiding judge of said court.

Sec. 17. Upon the adoption of this constitution the governor shall appoint three judges for said court, who shall hold their offices until the first Monday of January, eighteen hundred and seventy-seven, and until their successors shall be duly qualified.—*Mo. (1875), Art. 6.*

Sec. 18. The clerk of the supreme court at St. Louis shall be the clerk of the St. Louis court of appeals until the expiration of the term for which he was appointed clerk of the supreme court, and until his successor shall be duly qualified.—*Mo. (1875), Art. 6.*

Sec. 19. All cases which may be pending in the supreme court at St. Louis at the time of the adoption of this constitution, which by its terms would come within the final appellate jurisdiction of the St. Louis court of appeals, shall be certified and transferred to the St. Louis court of appeals, to be heard and determined by said court.

Sec. 20. All cases coming to said court by appeal, or writ of error, shall be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.

Sec. 27. The circuit court of St. Louis county shall be composed of five judges, and such additional number as the general assembly may from time to time provide. Each of said judges shall sit separately for the trial of causes and the transaction of business in special term. The judges of said circuit court may sit in general term, for the purpose of making rules of court, and for the transaction of such other business as may be provided by law, at such time as they may determine, but shall have no power to review any order, decision or proceeding of the court in special term. The St. Louis court of appeals shall have exclusive jurisdiction of all appeals from and writs of error to the circuit courts of St. Charles, Lincoln and Warren counties, and the circuit court of St. Louis county, in special term, and all courts of record having criminal jurisdiction in said counties.

Sec. 1. [Amdt.] The jurisdiction of the St. Louis court of appeals is hereby extended so as to be co-extensive with the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. Francois, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Douglas, Wright, Laclede, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton and McDonald, as well as the city of St. Louis; and each judge thereof, when hereafter elected, shall be elected by the qualified voters of the counties and of the city under the jurisdiction of said court, and shall be a resident of the said territorial appellate district.

KANSAS CITY COURT OF APPEALS.

Sec. 2. There is hereby established at Kansas City an appellate court, to be known as the Kansas City court of appeals, the jurisdiction of which shall be co-extensive with all the counties in the state except those embraced in the jurisdiction of the St. Louis court of appeals. There shall be held in each year two terms of said Kansas City court of

appeals, one on the first Monday of March and one on the first Monday of October. The Kansas City court of appeals shall consist of three judges, who shall be elected by the qualified voters of the counties under the jurisdiction of said court, and shall be residents of said territorial appellate district.—*Mo.* (1875), *Amdt.*

Sec. 3. The general assembly shall have power by law to create one additional court of appeals, with a new district therefor; to change the limits of the appellate districts, and the names of the courts of appeals, designating the districts by numbers or otherwise; to change the time of holding the terms of said courts; to increase or diminish the pecuniary limit of the jurisdiction of the courts of appeals; to provide for the transfer of cases from one court of appeals to another court of appeals; to provide for the transfer of cases from a court of appeals to the supreme court, and to provide for the hearing and determination of such cases by the courts to which they may be transferred.

Sec. 4. The first term of said Kansas City court of appeals shall be held on the first Monday of March in the year 1885, and the first judges thereof shall, upon the adoption of this amendment, be appointed by the governor of said state for the term of four years each, beginning on the first day of January, 1885, and at the general election in the year 1888, the first election for the judges of said court shall be held, and the provisions of the constitution of the state concerning the organization, the judges, the powers, the jurisdiction and proceedings of the St. Louis court of appeals as herein amended, shall in all appropriate respects apply to the Kansas City court of appeals, and to such additional court of appeals as may be by law created.

Sec. 6. When any one of said courts of appeals shall in any cause or proceeding render a decision which any one of the judges therein sitting shall deem contrary to any previous decision of any one of said courts of appeals, or of the supreme court, the said court of appeals must, of its own motion, pending the same term and not afterward, certify and transfer said cause or proceeding and the original transcript therein to the supreme court, and thereupon the supreme court must rehear and determine said cause or proceeding, as in case of jurisdiction obtained by ordinary appellate process; and the last previous rulings of the supreme court on any question of law or equity shall, in all cases, be controlling authority in said courts of appeals.

Sec. 7. All cases which may be pending in the supreme court at the time of the adoption of this amendment, which have not been submitted, and which by its terms would come within the territorial appellate jurisdiction of the Kansas City court of appeals, shall be certified and transferred to such court to be heard and determined by it.

Sec. 9. The state shall provide a suitable court room at Kansas City, in which the Kansas City court of appeals shall hold its sessions; also a clerk's office and furnished offices for the judges.

Sec. 10. The judges of the Kansas City court of appeals, and of such additional court of appeals as may be created by law, shall each annually receive a salary of three thousand five hundred dollars per annum, which, together with the entire salaries of the judges of the St. Louis court of appeals, shall be paid out of the state treasury, as the salaries of the judges of the supreme court are now paid, unless otherwise provided by law.

COURTS FOR THE PARISH OF ORLEANS, AND CITY OF NEW ORLEANS.

Art. 130. Except as herein otherwise provided, the judicial officers of the parish of Orleans, and of the city of New Orleans, shall be learned in the law, and shall have resided and practiced law or shall have held judicial positions in this state for five years, and shall have been actual residents of the city of New Orleans for at least two years next preceding their election or appointment.—*La.* (1898).

Art. 131. There shall be a court of appeal, to be known and designated as the court of appeal for the parish of Orleans, which shall be composed of three judges, who shall be learned in the law and who shall have practiced law in this state for six years, and shall have been residents of one of the parishes hereinafter named for at least two years next preceding their election or appointment, and they shall be elected by the qualified electors of the said parishes. Said court shall sit in the city of New Orleans, and shall hold its session from the second Monday of October until the end of the month of June in each year. Said court, until the first day of August, 1900, shall be composed of the present judges thereof, and a third judge, who shall be elected by the qualified voters of the parish of Orleans, at the congressional election in the year 1898, and who shall serve in said court until the 1st of August, 1900. His successor shall be elected for a term of eight years from that date, at the general state election of 1900. On August 1, 1900, the [judge] of the court of appeal for the fifth circuit, as established under the constitution of 1879, who was elected in the year 1896, shall become a member of the court of appeal for the parish of Orleans, and together with the judge of that court elected in 1896, shall serve until the election of their successors at the congressional election of 1904. At that election one judge of said court shall be elected for a term of six years, and one for a term of eight years, and thereafter all elections for judges of said court shall be for terms of eight years.

Vacancies occasioned by death, resignation, or otherwise, shall be filled for the unexpired terms by appointment by the governor, with the advice and consent of the senate.

The judges of said court shall each receive a salary of four thousand dollars per annum, payable monthly on his own warrant.

After August 1, 1900, in addition to those from the parish of Orleans, all appeals within its jurisdiction from the parishes of Jefferson, St. Charles, Plaquemines, and St. Bernard, shall be returnable to said court, and the costs of filing same shall not exceed five dollars in each case.

All cases pending and undetermined on said date in the courts of appeal as now constituted, from said parishes, shall be transferred to said court of appeal for the parish of Orleans without cost to the parties.

There shall be a clerk of said court of appeal, who shall be elected by the qualified voters of said parishes for a term of four years; he shall be entitled to charge and retain as his compensation such fees as may be allowed by law. The first election for said clerk shall be held in the year 1899, at the time the parochial and municipal elections are held in the city of New Orleans; said clerk shall appoint, if necessary, deputy

clerks, and shall fix and pay their salaries; he shall give bond in the sum of five thousand dollars, which bond shall be examined in open court by the judges of the court, and all testimony given in said examination shall be reduced to writing and made of record; he may be removed by the court for the same causes and in the same manner as is hereinafter provided for the clerk of the civil district court for the parish of Orleans; he may act as minute clerk of the court, or appoint a deputy to that position.

Said court of appeal for the parish of Orleans shall hereafter have appellate jurisdiction from the city courts of New Orleans as now constituted, under the same conditions as hereinafter provided for appeals from the city courts to be organized under this constitution.

Art. 132. There shall be two district courts for the parish of Orleans, and no more. One of said courts shall be known as the civil district court, and the other as the criminal district court. For the civil district court there shall be not less than five judges, and for the criminal district court not less than two judges, who shall be elected by a plurality of the qualified electors of the parish of Orleans for the term of twelve years, and who shall each receive an annual salary of four thousand dollars, payable upon his own warrant, in equal monthly instalments.

Art. 133. The civil district court shall have exclusive and general original probate jurisdiction, and exclusive original civil jurisdiction, in all cases where the amount in dispute or the fund to be distributed, shall exceed one hundred dollars, exclusive of interest; and exclusive jurisdiction in suits by married women for separation of property, in suits for separation from bed and board, for divorce, for nullity of marriage; or for interdiction, and in suits involving title to immovable property, or to office or other public position, or civil or political rights; and in all other cases, except as hereinafter provided, where no specific amount is in contest, and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships. And said court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purposes of the jurisdiction herein conferred upon it.

Art. 134. All cases after being filed in said civil district court shall be allotted or assigned, among the judges thereof, and, except as herein otherwise provided, each judge, or his successor, shall have exclusive control over every case allotted or assigned to him, from its inception to its final determination in said court. In case of vacancy in the office, recusation, absence or disability of a judge to whom a case has been allotted or assigned, or in case such action is deemed advisable in the proper administration of justice, or of the business of the court, such case may be re-allotted or re-assigned, or without such re-allotment or re-assignment, but, under rules to be adopted, it may be taken in charge by another judge of said court, and the judge to whom a case is thus re-allotted or re-assigned, or by whom it is thus taken in charge, shall be authorized to act therein for all purposes as though such case had been originally allotted or assigned to him. Previous to the allotment or assignment of a case, any judge of said court may, for the purposes of such case, make interlocutory orders, and issue and grant conservatory

writs and executory process. Applications for naturalization, for emancipation, and by married women for authorization, when there is consent given and no issue joined, or where there is no contest, suits for nullity, and for revival of judgment, and suits in which is claimed an interest in property or funds as to which a particular judge has acquired jurisdiction, need not be allotted or especially assigned, but shall be controlled by law or by rules to be adopted by the court.

Art. 135. Judgments homologating accounts, which have been duly advertised, when not opposed, or so far as not opposed, may be rendered and signed either in term time or vacation; and by any judge, in the absence or disability of the judge to whom the case has been allotted.

Art. 136. The judges of said civil district court shall be authorized to adopt rules, not in conflict with law, regulating the allotment, assignment and disposition of cases, the order in which they shall be tried, and the proceedings in such trials, and to sit en banc for the purpose of testing the bonds and sureties of the clerk of the court, the recorder of mortgages, the register of conveyances, and the civil sheriff; for the trial and removal of the clerk and civil sheriff, or either of them, for the selection of jurors, and in other cases when the action of the court as a whole is required. When sitting en banc the judge who has been longest in continuous service in said court, and in his absence the judge longest in service of those present, shall preside; and when a certificate of authentication from the court is required such judge shall be authorized to sign the same as presiding judge. The court may, by its rules, grant the presiding judge further authority not in conflict with these provisions: *Provided*, That in rendering judgments en banc, the court shall conform, as far as practicable, to the rules and practice of the supreme court.

Art. 137. There shall be one clerk for the civil district court, who, until the election and induction into office of the clerk of the court of appeal, provided for in article 131, shall be ex-officio clerk of the court of appeal for the parish of Orleans, and shall be elected by the voters of said parish for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law; he shall furnish bond in the sum of twenty thousand dollars, which bond shall be examined by the court, and all testimony given in such examination shall be reduced to writing and filed of record in the court. He shall charge and collect the fees prescribed by the general assembly, and shall dispose of the same as hereinafter provided; the amount of his compensation shall be three thousand six hundred dollars per annum.

Said clerk shall be authorized, with the approval of the judges of the civil district court, to appoint such deputies and other assistants, at salaries not to exceed those now fixed by law, as in the opinion of said judges are needed for the efficient discharge of the duties of his office; and he may remove them at pleasure, or the court may remove them. The court of appeal for the parish of Orleans, until after the election of the clerk thereof, as hereinbefore provided, and each judge of the civil district court shall appoint one minute clerk, who shall be sworn as deputy clerk, and shall receive an annual salary of eighteen hundred dollars in equal monthly installments; and the said court of appeal, until said election, shall also have the right to appoint one docket clerk.

The minute clerk appointed by the judge of the civil district court

longest in continuous service in said court, as hereinabove provided, shall be ex-officio minute clerk of the court when sitting en banc, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The clerk of the civil district court shall be removable by the judges of said court, sitting en banc, upon proof, after trial, without a jury, of gross or continued neglect, incompetency, or unlawful conduct, operating injury to the court or to any individual, and a majority of said judges shall be competent to render judgment in the case. Such trial and the lodging of complaints leading thereto, shall be regulated by rules which shall be adopted by the judges of the civil district court and of the criminal district court in joint session.

Art. 138. The civil district court shall select a solvent, incorporated bank in New Orleans as a judicial depository, in which, unless otherwise ordered by the court, shall be deposited all money as soon as the same shall come into the hands of the clerk or sheriff, and such deposits shall not be removed in whole or in part without an order from the judge seized with jurisdiction.

Art. 139. The criminal district court shall have exclusive original jurisdiction for the trial and punishment of all offenses when the penalty of death, imprisonment at hard labor, or imprisonment without hard labor for any time exceeding six months, or a fine exceeding three hundred dollars may be imposed, and appellate jurisdiction in all cases tried before the city criminal courts, or recorders' courts of New Orleans, which cases shall be appealable on the law and the facts, and shall be tried on the record and the evidence as made and offered in the lower court: *Provided*, That until the general assembly shall enact a law grading offenses, said court shall have general criminal jurisdiction extending to all cases arising in the parish of Orleans, the jurisdiction of which is not vested by law or by this constitution in some other court. Said court shall have general and supervisory jurisdiction over all inferior state and municipal criminal courts in the parish of Orleans, and shall have authority to issue writs of habeas corpus, in criminal and quasi-criminal cases, and such other writs and orders as may be necessary or proper in aid of the jurisdiction conferred upon it; and to adopt rules not in conflict with law, regulating the order of preference, and proceedings in the trial of cases, and the method of allotting or assigning such cases, and of re-allotting and re-assigning them, in case of vacancy in the office, recusation, absence or disability of one or more of the judges, or in case such action is deemed necessary for the proper administration of justice. All prosecutions instituted in, and all cases appealed to said criminal district court shall be equally allotted or assigned by classes among the judges, and each judge, or his successor, shall have exclusive control over any case allotted or assigned to him, from its inception to its final determination in said court, except as herein otherwise provided.

There shall be one clerk for the criminal district court, who shall be elected by the voters of the parish of Orleans, for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law. He shall furnish bond in the sum of ten thousand dollars, which bond shall be examined by the court, in like manner as the bond of the clerk of the civil district court. He shall receive an annual salary

of three thousand dollars, which shall be paid by the city of New Orleans, in equal monthly instalments, and he shall receive no other compensation. He shall appoint, with the approval of the court, such deputies, at such salaries, as may be fixed by law. Said deputies may be removed at the pleasure of the clerk of the court, and their salaries shall be paid by the city of New Orleans.

Each judge of said court shall appoint a minute clerk, who shall be sworn as a deputy clerk, and shall receive an annual salary of eighteen hundred dollars, which shall be paid by the city of New Orleans, in the same manner as the salary of the clerk. One of the said minute clerks, to be designated by the judge longest in continuous service in said court, shall be ex-officio minute clerk of said court when sitting en banc, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The said clerk shall be removable by the judges of the criminal district court for the causes, and in the manner prescribed for the removal of the clerk of the civil district court.

Art. 140. There shall be in the city of New Orleans two inferior criminal courts, to be known respectively as the first city criminal court and the second [city] criminal court, each of which shall be presided over by one judge, and which shall have jurisdiction within the territory hereinafter prescribed, for the trial and punishment, without juries, and subject to appeal to the criminal district court, of all offenses against the state where the penalty does not exceed six months' imprisonment in the parish jail, or a fine of three hundred dollars, or both; in all other cases the judges of said courts shall have jurisdiction as committing magistrates, with authority to bail or discharge.

The territorial jurisdiction of the first city criminal court shall extend over the first, fourth, sixth and seventh municipal districts of the city of New Orleans; and of the second city criminal court, over the second, third and fifth municipal districts of said city.

Said judges shall be elected by the voters of the city of New Orleans, at large, for the term of four years; the first election, therefor, shall be held at the congressional election in November, 1898, and the judges then elected shall serve until May 1st, 1900, and their successors shall be elected at the parochial and municipal election in the year 1899. They shall be learned in the law, and shall have resided and practiced as attorneys in the city of New Orleans for not less than three years before their election or appointment. The judges of said courts shall each receive a yearly compensation of three thousand dollars, payable monthly on his own warrant. Each judge shall appoint a clerk and such deputies as may be authorized by law, at salaries not exceeding twelve hundred dollars per annum, except one deputy, who shall be a stenographer, and who may receive a salary not exceeding fifteen hundred dollars per annum, to be paid in monthly instalments, by the city of New Orleans.

Art. 141. The general assembly shall provide for recorders' courts in the city of New Orleans, to be presided over by magistrates, who need not be attorneys at law, but such courts shall have no jurisdiction except for the trial of offenses against city ordinances.

Art. 142. There shall be a civil and a criminal sheriff for the parish of Orleans, who shall be elected by the voters of said parish for the

term of four years. Their qualifications and duties other than as herein provided, shall be prescribed by law. Each of said sheriffs shall execute an official bond, the civil sheriff in the sum of fifty thousand dollars, and the criminal sheriff in the sum of ten thousand dollars; and the bonds of said sheriffs respectively shall be examined in open court by the judges of the district court which he serves, and all testimony given in such examination shall be reduced to writing and made a record in said court. The civil sheriff shall be executive officer of all the civil courts in the parish of Orleans, except the city courts; and the criminal sheriff shall be the executive officer of all the criminal courts in said parish.

The civil sheriff shall appoint as many deputies as in his opinion are needed for the efficient discharge of the duties of his office; but after May 1st, 1900, the court of appeal for the parish of Orleans and each judge of the civil district court shall name one deputy to be so appointed, who shall serve as crier in said court, and in the divisions presided over by said judges respectively, and who shall each receive a salary of six hundred dollars per annum to be paid by the sheriff. When not engaged in court they shall perform such duties as the sheriff may require.

The civil sheriff shall receive as compensation such fees as may be now or hereafter allowed, by law, and shall pay his deputies and all expenses of his office.

The civil sheriff shall pay the sum of two thousand dollars annually in quarterly instalments to the city of New Orleans for the fund for payment and redemption of judicial fund warrants and certificates hereinafter provided for. In cases where the said sheriff is a party in interest the criminal sheriff, or one of his deputies shall act. The criminal sheriff shall receive an annual salary of three thousand six hundred dollars per annum, which shall be paid by the city of New Orleans in equal monthly instalments, and he shall receive no other compensation; he shall appoint with the approval of the judges of the criminal district court for the parish of Orleans, as many deputies as in the opinion of said judges are needed for the efficient discharge of the duties of his office and the salaries of such deputies shall be fixed by the council of the city of New Orleans, and paid in like manner as his own. Each judge of said criminal district (court) shall name one deputy to be so appointed, who shall serve as crier in the sections presided over by the judges respectively, and shall each receive a salary of one thousand dollars per annum. When not engaged in court they shall perform such other duties as the sheriff may require.

The criminal sheriff shall account to and settle with the city of New Orleans for all fines and judgments collected by him, without deductions of any kind, and all expenses of his office shall be borne by said corporation.

Art. 143. There shall be a first city court in New Orleans, composed of three judges, each of whom shall receive a salary of twenty-four hundred dollars per annum, payable monthly on his own warrant. Said court shall have exclusive original jurisdiction when the defendant resides in that part of the city of New Orleans on the left bank of the Mississippi river, in all cases when the amount in dispute or the fund to be distributed does not exceed one hundred dollars exclusive of interest, including suits for the ownership or possession of movable property not exceeding that amount in value; and suits by landlords for

possession of leased premises when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed that amount; subject to an appeal in all cases to the court of appeal for the parish of Orleans. All appeals shall be tried de novo, and the judges of the court of appeal may provide by rules that one or more of the judges shall try such cases, which they shall be authorized to decide immediately after trial, and without written opinions.

The judges of said court shall have authority to issue marriage licenses, and celebrate marriages, subject to such conditions as may be imposed by law, and to execute commissions to take testimony, and to receive therefor the fees allowed by law; they shall adopt rules not in conflict with law for the fixing and trial of cases, and shall sit en banc, for the purpose of examining the bonds of the clerk and constable of said court, and for the trial and removal of said officers, or either of them, in which proceedings they shall be governed by the provisions of this constitution as far as they are applicable upon the subject of the bond and of the trial and the removal from office of the clerk of the civil district court.

The city of New Orleans shall provide suitable accommodations for said court, and cases filed in said court shall be allotted equally to the judges thereof. The pleadings in said court shall be in writing, prepared by the litigants, or their attorneys or by the clerk.

Art. 144. There shall be one clerk for said first city court of New Orleans, who shall furnish bond in the sum of five thousand dollars; his qualifications and duties, except as herein provided, shall be determined by law; his salary shall be eighteen hundred dollars per annum, payable monthly. Each judge shall have the appointment of one deputy clerk, whose compensation shall not exceed twelve hundred dollars per annum. The clerk shall appoint such other deputies as may be authorized by law, provided that their total compensation shall at no time exceed the sum of eighteen hundred dollars per annum.

Art. 145. There shall be one constable for said court, who shall furnish bond in the sum of five thousand dollars, and who shall appoint such deputies as may be necessary, and at such salaries as he may fix and pay. Said deputies shall be removed at his pleasure, or at the pleasure of the court. His compensation shall be the fees of his office as now or hereafter fixed by law; he shall furnish and pay one deputy to attend the sittings of each judge, who shall have the selection of such deputy and who, when not engaged in court, shall perform such other duties as the constable may direct.

The clerk of the said court and the constable thereof shall be removable by the judges of said court sitting en banc, for the causes, and in the manner prescribed for the removal of the clerk of the civil district court, conformably to rules to be adopted by said judges, and subject to an appeal to the court of appeal for the parish of Orleans.

Art. 146. The judges, clerk and constable of said court shall be elected for the term of four years by the qualified voters of the city of New Orleans on the left bank of the Mississippi river. The first election under this provision shall be held at the next parochial and municipal election.

Art. 147. There shall also be a second city court in the city of New

Orleans, on the right bank of the Mississippi river, now known as the fifth district of the city of New Orleans; and said court shall have the same jurisdiction as the first city court in all cases where the defendant resides in the fifth district. There shall be one clerk for said city court, who shall receive a salary of twelve hundred dollars per annum, payable monthly by the city treasurer, out of the fund hereinafter provided. There shall be a constable for said court, whose compensation shall be the fees of his office, as may be now or hereafter fixed by law. The judge of said court shall have the same qualifications and authority as the judges of the first city court, and shall receive the same compensation. Said judge, clerk and constable shall be elected by the qualified voters of said fifth district of the city of New Orleans, for the term of four years. The first election under this provision shall be held at the next parochial and municipal election. The clerk and constable shall each furnish bond in the sum of one thousand dollars, to be approved by the judge of the court; and they shall be removable by the judge of said court after due trial, subject to an appeal to the court of appeal for the parish of Orleans.

Art. 148. There shall be a district attorney for the parish of Orleans, who shall be elected by the voters of said parish for the term of four years, and shall receive an annual salary of one thousand dollars, and such fees as may be allowed by law; but no fees shall be allowed in criminal cases except upon conviction. He shall be a licensed attorney, and may appoint two assistants with like qualifications, at salaries not to exceed eighteen hundred dollars per annum. He shall appoint such other assistants as may be required, at salaries to be fixed and paid by him.

Art. 149. There shall be a register of conveyances and a recorder of mortgages for the parish of Orleans, who shall be elected by the voters of said parish for the term of four years. Their qualifications and duties shall be as fixed by law; the register of conveyances shall furnish bond in the sum of fifteen thousand dollars, and the recorder of mortgages in the sum of twenty-five thousand dollars, which said bonds shall be examined by the judges of the civil district court, and all testimony given in said examinations shall be reduced to writing and filed in the court; they shall appoint such deputies and at such salaries as are now authorized by law, or as hereinafter provided. They shall be governed, with respect to the fees and expenses of their offices, the manner of their compensation and their obligations with regard to accounting and settling, as hereinafter prescribed. The compensation of the register of conveyances shall be twenty-five hundred dollars per annum, and that of the recorder of mortgages shall be four thousand dollars per annum.

Art. 150. The judges of the civil and criminal district courts for the parish of Orleans, and of the city courts of New Orleans, and the clerks and constables of said courts respectively, and the sheriffs, district attorney, register of conveyances and recorder of mortgages for the parish of Orleans, who shall be serving at the time of the adoption of this constitution, shall, unless removed for cause, remain in office until the expiration of the terms for which they were elected or appointed.

The three judges of the civil district court and the one judge of the

criminal district court, whose terms expire in 1900, shall serve until after the election and qualification of their successors, who shall be elected at the congressional election of that year; and the terms of the two judges of the civil district court and the one judge of the criminal district court, whose terms expire in 1904, shall serve until the election and qualification of their successors, who shall be elected at the congressional election of that year.

All cases in said courts, and all writs, orders and process issued therefrom, and which shall be pending or in course of execution, together with all the records and archives of said courts, and of the offices hereinabove mentioned shall, upon the adoption of this constitution, at once, and by virtue of the provisions hereof, be transferred to, and held to be cases pending in, and writs, orders and process issued from, and in course of execution under the authority of, and records and archives belonging and pertaining to the civil and criminal district courts and the clerks thereof, and the offices of the civil and criminal sheriffs, district attorney, register of conveyances and recorder of mortgages for the parish of Orleans respectively established and provided for by this constitution. No change in the system of docketing or numbering shall be required for the purpose of suits which may hereafter be filed in either of said courts, nor shall any new set of books, or system of keeping the same, be required for the purposes of any of said offices. The books and records of the court of appeal for the parish of Orleans shall be transferred to, and all appeals held to be cases pending in the court of appeals herein provided for, and without the formality of being renumbered or docketed, and the same rule shall apply to cases pending in the third city court of New Orleans upon the organization of the second city court of New Orleans, as hereinbefore provided. Upon the organization of the first city court of New Orleans, as hereinbefore provided, all books, records and archives of the first, second and fourth city courts of New Orleans as now constituted, and of the clerks and constables thereof, and all suits, orders and process issued from and in course of execution under the authority of said courts, shall be transferred thereto, and all cases pending in said courts shall be redocketed, and numbered in said first city court, upon application of any of the parties in interest, and without cost to them.

The laws regulating the sessions of and practice in the civil and criminal district courts for the parish of Orleans, and the city courts of New Orleans, which may be in force at the time of the adoption of this constitution, shall, if not in conflict herewith, remain in force until otherwise provided by the general assembly.

Art. 151. All cases on appeal from the city courts of New Orleans to the civil district court, upon the adoption of this constitution, shall remain and be tried in said civil district court.

Art. 152. The recorders of the city of New Orleans who may be serving at the time of the adoption of this constitution, shall, unless removed for cause, continue in the exercise of their functions and jurisdiction, conformably to existing laws, and until otherwise provided, except in so far as such functions and jurisdiction may be affected by the provisions of this constitution which confer appellate and supervisory jurisdiction on the criminal district court and original jurisdiction in certain matters on the city criminal courts.

Art. 153. The election of judges and other officers for the parish of Orleans and city of New Orleans, herein provided for, the time of which is not specially fixed, shall be held at the time of the parochial and municipal elections.

Art. 154. Until otherwise provided by law, the costs to be paid clerks, sheriffs, constables, recorder of mortgages and register of conveyances, shall be as now fixed, except that in no case shall the costs of filing appeals from the city courts exceed the sum of five dollars.

Art. 155. The general assembly shall grade all misdemeanors and minor offenses against the state, and shall fix the minimum and maximum penalties therefor.

Art. 156. All valid warrants issued for salaries and authorized expenses of the offices of the clerk for the civil district court, register of conveyances and recorder of mortgages for the parish of Orleans, of the clerks of the city courts of the city of New Orleans, and for salaries of the clerks of the court of appeal, which are payable out of the special judicial expense fund provided for by article 146 of the constitution of 1879, as amended, and which shall be outstanding and unpaid at the date of the adoption of this constitution, or which shall be issued for the current month in which this constitution is adopted, are hereby declared to be valid and subsisting claims against the revenues of the respective offices upon which said fund was made dependent.

The holders of said warrants may present them within six months after the adoption of this constitution to the board of liquidation of the city debt, and receive therefor the bonds hereinafter authorized to be issued; and the city of New Orleans is required, within three months from the adoption of this constitution, to provide for said warrants or claims, by the issuance of bonds in the sum of two hundred and twenty-five thousand dollars, or so much thereof as may be necessary; said bonds shall be for the face value of said warrants, in such denominations as the said board of liquidation shall recommend, and shall be dated July 1st, 1898, and made payable twenty-five years after date, or earlier, at the option of said board, and shall bear four per cent per annum interest, payable semi-annually, and represented by interest coupons attached thereto, the first of said coupons payable January 1st, 1899; said bonds to be known as judicial expense fund bonds, and to be signed by the mayor and comptroller of the city of New Orleans, and delivered to the board of liquidation of the city debt and shall be countersigned by the president and secretary of said board and issued by said board to the holders of said warrants upon surrender of same. Neither the state of Louisiana nor the city of New Orleans shall ever be liable for the payment of said bonds nor the interest thereon, except from the special fund herein provided for, and any appropriation or other provision therefor made by the state or city shall be null and void.

There shall be stamped across the face of said bonds the words: "Issued in accordance with article 156 of the constitution of Louisiana of 1898."

The clerk of the civil district court, register of conveyances and recorder of mortgages for the parish of Orleans, and the clerks of the city courts of New Orleans, shall keep accurate and detailed accounts in books to be used exclusively for that purpose, of all fees and charges

collected in their offices, respectively; and they shall furnish, daily, to the city comptroller, transcripts of said accounts duly certified by them or by their authority, and said officers shall also daily pay into the treasury of the city of New Orleans the whole amount of fees and charges so collected.

From the amounts thus paid into the city treasury, the treasurer shall set apart and reserve twenty per cent out of which shall first be paid the expenses necessary for the preparation and execution of the aforesaid bonds, and thereafter the same shall be used solely and exclusively to retire the bonds issued in payment of said judicial expense fund warrants and interest thereon, and the certificates of the comptroller hereinafter authorized; and upon the second Tuesday in December and June of every year the said treasurer shall pay said amounts so reserved, and also the amounts received from the civil sheriff, to the board of liquidation of the city debt, until all the bonds herein authorized have been retired or paid; and on the second Tuesday in February and August of every year, said board of liquidation, in accordance with rules to be adopted and made public by it, shall after paying the semi-annual interest on said bonds, purchase or redeem with such money thus set apart as may have accumulated, and with the surplus of the remaining eighty per cent as hereinafter provided, as many of said bonds as said money will buy or redeem, preference being given to holders offering at the lowest rate; and all such bonds so purchased or redeemed shall be by said board of liquidation immediately canceled, and a record made thereof.

From the remaining eighty per cent of said fund there shall be paid monthly the current salaries and expenses of the offices from which same is derived, including the salary of the docket and minute clerks of the court of appeal, as now constituted and until the election of the clerk of the said court, as above provided, together with such authorized expenses of said offices as are not required to be paid by the city of New Orleans; and the surplus of said eighty per cent, if any, shall be paid by the treasurer to the said board of liquidation, and shall be used to redeem or pay said bonds and certificates as hereinbefore and hereinafter provided.

But if said eighty per cent during the six months ending July 31st, or January 31st of any year, should prove inadequate to pay said salaries and expenses, the comptroller shall prorate the deficit among those entitled to payment, and shall issue certificates therefor in sums not less than ten dollars, which shall bear interest at the rate of four per cent per annum from date, and shall be paid from the funds herein set apart and reserved only after all the bonds issued in payment of outstanding warrants shall have first been redeemed or paid.

All disbursements from said fund for stationery shall be made upon the requisitions of the officers requiring same; said requisitions to be approved by the mayor of the city of New Orleans; and in all cases such disbursements and all salaries shall be paid by the treasurer of the city of New Orleans upon warrants drawn against said fund by the comptroller of said city, approved, so far as the civil district court is concerned by the presiding judge thereof, for the office of the recorder of mortgages and the office of the register of conveyances, by the mayor of the city of New Orleans, and for the offices of the respective city

courts by the judge or judges thereof, and for the officers of the court of appeal by one of the judges thereof.

Until the full and final payment of all of said bonds and certificates hereinbefore provided for, the salaries of the employes of the various offices hereinafter named shall remain as now fixed by law, and there shall be no increase in the number of employes now authorized by law for the offices of recorder of mortgages or register of conveyances, unless otherwise ordered by the civil district court sitting en banc; and the number of employes of the civil district court shall be as determined by a majority of the judges thereof.

The clerks of the first and second city courts, until the organization of the city courts hereinbefore provided for, may each appoint with the approval of the judge thereof, an additional deputy clerk at fifty dollars per month, but no other employes, nor larger salaries than those now fixed by law, shall be allowed to the city courts.

The said board of liquidation hereinbefore named shall have the right to reject any and all bids made for the redemption of bonds issued as hereinabove provided, and should there be no bids, or none be accepted, then said board of liquidation, on the second Tuesday in February and August of each year, with whatever amount has been paid to said board by the treasurer as herein provided, shall, after paying the interest, pay said bonds in numerical order.

After the payment of all of said bonds, the twenty per cent reserve herein provided, and any surplus of the remaining eighty per cent shall be used by the city treasurer in paying the certificates herein provided for, if any, in the order of their issue. When said judicial expense fund bonds and comptroller's certificates, if any of the latter shall be issued, shall have been retired and canceled, the salaries and expenses of the various offices affected by this article and the revenue of said offices shall be regulated and disposed of as may be determined by the general assembly.

This article shall take effect from the last day of the current month in which this constitution is adopted, and all amounts arising from the judicial expense fund, which shall remain in the hands of the state treasurer on that date, shall be paid by him to the board of liquidation of the city debt, and be used by said board as part of the funds hereinabove referred to.

Art. 157. Vacancies occurring from any cause in the judicial offices of the parish of Orleans or city of New Orleans, shall be filled by appointment by the governor, with the advice and consent of the senate, for the unexpired term.

Art. 158. The fact that the officers and deputies herein provided for are paid by the city of New Orleans shall not make them officers or employes thereof.

LEGISLATIVE POWER OVER COURTS.

Sec. 171. The legislature shall have the power to abolish any court, except the supreme court and the probate courts, whenever its jurisdiction and functions have been conferred upon some other court.—*Ala.* (1901), *Art.* 6.

Sec. 14. The general assembly may (whenever two-thirds of the members of each house shall concur therein) increase or diminish the number of judges for any district, or increase or diminish the number of judicial districts, and the judges thereof. Such districts shall be formed of compact territory, and bounded by county lines; but such increase, diminution or change in the boundaries of a district shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.—*Colo.* (1876), *Art.* 6.

Sec. 35. No courts other than those herein specified shall be established in this state.—*Fla.* (1885), *Art.* 5.

Sec. 20. Par. 1. All courts not specially mentioned by name in the first section of this article may be abolished in any county, at the discretion of the general assembly.—*Ga.* (1877), *Art.* 6.

Sec. 135. No courts, save those provided for in this constitution, shall be established.—*Ky.* (1891), *Sec.* 135.

Art. 96. Except as herein provided, no duties or functions shall ever be attached by law to the supreme court, courts of appeal, or district courts, or to the several justices, or judges thereof, except such as are judicial, and the said justices and judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duty performed by them. No judicial powers, except as committing magistrates in criminal cases, shall be conferred on any officer other than those mentioned in this title, except such as may be necessary in towns and cities: *Provided*, The general assembly shall have the power to abolish justice of the peace courts in wards containing cities of more than five thousand inhabitants, and to create in their stead courts with such civil jurisdiction as is now vested in justices of the peace, and with criminal jurisdiction which shall not extend beyond the trial of offenses not punishable by imprisonment at hard labor under the laws of this state, and of violations of municipal and parochial ordinances, and the holding of preliminary examinations in cases not capital: *Provided*, The compensation of the judges of such courts shall be paid by the parishes and cities in which they are established, in such proportions as may be provided by law.—*La.* (1898), *Art.* 96.

Art. 3. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth for the hearing, trying, and determining of all manner of crimes, offenses, pleas, processes, plaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.—*Mass.* (1780), *Part 1, Chap. 1, Sec.* 1.

Sec. 31. The general assembly shall have no power to establish criminal courts, except in counties having a population exceeding fifty thousand.—*Mo.* (1875), *Art.* 6.

Sec. 12. The general assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the general assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the supreme court, among the other courts prescribed in this constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the supreme court, so far as the same may be done without conflict with other provisions of this constitution.—*N. C.* (1875), *Art.* 4.

Art. 110. The general assembly shall not have power to increase the number of district judges in any district.—*La.* (1898) *Art.* 110.

Sec. 110. Whenever the population of the state of North Dakota shall equal 600,000 the legislative assembly shall have the power to increase the number of the judges of the supreme court to five, in which event a majority of said court, as thus increased, shall constitute a quorum.—*N. Dak.* (1889), *Art.* 4.

Sec. 24. The terms of office of supreme and district judges may be extended by law, but such extension shall not affect the term for which any judge was elected.—*Utah* (1896), *Art.* 8.

Sec. 12. The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this constitution.—*Wash.* (1889), *Art.* 4.

LAWS TO BE UNIFORM.

Sec. 28. All laws relating to courts shall be general and of uniform operation throughout the state; and the organization, jurisdiction, powers, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally, shall be uniform.—*Colo.* (1876), *Art.* 6.

Sec. 9. Par. 1. The jurisdiction, powers, proceedings and practice of all courts or officers invested with judicial powers (except city courts), of the same grade or class, so far as regulated by law, and the force and effect of the process, judgment and decree, by such courts, severally, shall be uniform. This uniformity must be established by the general assembly.—*Ga.* (1877), *Art.* 6.

Sec. 26. All laws relating to courts shall be general and of uniform operation throughout the state, and the organized judicial powers,

proceedings, and practices of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments, and decrees of such courts, severally, shall be uniform.—*Idaho* (1889), *Art. 5*.

Sec. 29. All judicial officers shall be commissioned by the governor. All laws relating to courts shall be general and of uniform operation; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process, judgments and decrees of such courts, severally, shall be uniform.—*Ill.* (1870), *Art. 6*.

Sec. 26. All laws relating to courts shall be general and of uniform operation throughout the state; and the organization, jurisdiction, powers, proceedings and practice of all courts of the same class or grade, so far as regulated by law, shall be uniform.—*Mont.* (1889), *Art. 8*.

Sec. 26. All laws relating to courts shall be general and of uniform operations, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts shall be uniform; and the general assembly is hereby prohibited from creating other courts to exercise the powers vested by this constitution in the judges of the courts of common pleas and orphans' courts.—*Pa.* (1873), *Art. 5*.

Sec. 34. All laws relating to courts shall be general and of uniform operation throughout the state, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform: *Provided, however,* that the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.—*S. D.* (1889), *Art. 5*.

ORGANIZATION OF SUPREME COURT.

(74) *Sec. 2.* For the term of six years and thereafter, until the legislature otherwise provide, the judges of the several circuit courts shall be judges of the supreme court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the legislature may provide by law for the organization of a supreme court, with the jurisdiction and powers prescribed in this constitution to consist of one chief justice and three associate justices, to be chosen by the electors of the state. Such supreme court, when so organized, shall not be changed or discontinued by the legislature for eight years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. The term of office shall be eight years.—*Mich.* (1850), *Art. 6*.

Sec. 151. The supreme court shall consist of one chief justice, and

such number of associate justices as may be prescribed by law.—*Ala.* (1901), *Art.* 6.

Sec. 155. Except as otherwise provided in this article, the chief justice and associate justices of the supreme court, circuit judges, chancellors, and judges of probate, shall hold office for the term of six years, and until their successors are elected or appointed and qualified; and the right of such judges and chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division, or county, or in the mode or time of election.—*Ala.* (1901), *Art.* 6.

Sec. 2. The supreme court shall be composed of three judges, one of whom shall be styled chief justice, and elected as such; any two of whom shall constitute a quorum, and the concurrence of two judges shall, in every case, be necessary to a decision.—*Ark.* (1874), *Art.* 7.

Sec. 3. When the population of the state shall amount to one million, the general assembly may, if deemed necessary, increase the number of judges of the supreme court to five; and, on such increase, a majority of judges shall be necessary to make a quorum or decision.—*Ark.* (1874), *Art.* 7.

Sec. 2. The supreme court shall consist of a chief justice and six associate justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, department one and department two. The chief justice shall assign three of the associate justices to each department, and such assignment may be changed by him from time to time. The associate justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the chief justice. Each of the departments shall have the power to hear and determine causes, contained in relation to the court in banc. The presence of three and all questions arising therein, subject to the provisions hereinafter justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The chief justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in banc. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two associate justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in banc. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the chief justice, in writing, with the concurrence of two associate justices. The chief justice may con-

vene the court in banc at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in banc; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrent of four judges shall be necessary. In the determination of causes, all decisions of the court, in banc or in departments, shall be given in writing, and the grounds of the decision shall be stated. The chief justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the chief justice from the place at which the court is held, or his inability to act, the associate justices shall select one of their own number to perform the duties and exercise the powers of the chief justice during such absence or inability to act.—*Cal.* (1880), *Art.* 6.

Sec. 5. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or pronounce a decision.—*Colo.* (1876), *Art.* 6.

Sec. 6. The judges of the supreme court shall be elected by the electors of the state at large as hereinafter provided.—*Colo.* (1876), *Art.* 6.

Sec. 7. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be nine years.—*Colo.* (1876), *Art.* 6.

Sec. 8. The judges of the supreme court shall immediately after the first election under this constitution be classified by lot, so that one shall hold his office for the term of three years, one for the term of six years, and one for the term of nine years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the territory, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and in case of his absence, the judge having in like manner the next shortest term to serve shall preside in his stead.—*Colo.* (1876), *Art.* 6.

Sec. 2. There shall be six state judges who shall be learned in the law. One of them shall be chancellor, one of them chief justice and the other four of them associate judges.

The chancellor, chief justice and one of the associate judges may be appointed from and reside in any part of the state. The other three associate judges may be appointed from any part of the state. They shall be resident associate judges, and one of them shall reside in each county.

In case the commissions of two or more of the associate judges shall be of the same date, they shall, as soon as conveniently may be after

their appointment, determine their seniority by lot, and certify the result to the governor.—*Del. (1897), Art. 4.*

Sec. 3. The chancellor, chief justice and associate judges shall be appointed by the governor, by and with the consent of a majority of all the members elected to the senate, for the term of twelve years: *Provided, however,* That the chancellor, chief justice and associate judges first to be appointed under this amended constitution, shall be appointed by the governor without the consent of the senate, for the term of twelve years; and the persons so appointed shall enter upon the discharge of the duties of their respective offices upon taking the oath of office prescribed by this amended constitution. If a vacancy shall occur, by expiration of term or otherwise, at a time when the senate shall not be in session, the governor shall within thirty days after the happening of any such vacancy convene the senate for the purpose of confirming his appointment to fill said vacancy, and the transaction of such other executive business as may come before it. Such vacancy shall be filled as aforesaid for the full term. The said appointment shall be such that no more than three of the said five law judges, in office at the same time, shall have been appointed from the same political party.—*Del. (1897), Art. 4.*

Sec. 5. The chief justice and the four associate judges shall compose the superior court, the court of general sessions and the court of oyer and terminer, as hereinafter prescribed.

The said five judges shall designate those of their number who shall hold the said courts in the several counties. Whenever practicable the said courts shall consist of three of the said five judges, but no more than three of them shall sit together in any of the said courts. In each of the said courts the chief justice when present shall preside, and in his absence the senior associate judge present shall preside.

Two shall constitute a quorum in the said courts respectively except in the court of oyer and terminer, where three shall constitute a quorum.

One may open and adjourn court.—*Del. (1897), Art. 4.*

Sec. 13. The supreme court upon a writ of error to the superior court, court of oyer and terminer, or court of general sessions, or upon appeal from the court of general sessions, shall consist of the chancellor and such of the other five judges as did not sit in the cause below. The chancellor when present shall preside, and in his absence the chief justice when present shall preside, and in his absence the senior associate judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.—*Del. (1897), Art. 4.*

Sec. 14. The supreme court upon an appeal from the court of chancery shall consist of the chief justice and the four associate judges.

The chief justice when present shall preside, and in his absence the senior associate judge present shall preside. Any three of them shall constitute a quorum, and one of them may open and adjourn court.—*Del. (1897), Art. 4.*

Sec. 15. Whenever the superior court, court of oyer and terminer or court of general sessions shall consider that a question of law ought to be heard by the court in banc, they shall have power, upon application of either party, to direct it to be so heard; and in that case the court in banc shall consist of the chief justice and the four associate judges.

The chief justice when present shall preside, and in his absence the senior associate judge present shall preside. Any four of them shall constitute a quorum, and one of them may open and adjourn court.

The superior court, court of oyer and terminer or court of general sessions in exercising this power, may direct a cause to be proceeded into verdict or judgment in that court, or to be otherwise proceeded in, as shall be best for expediting justice.—*Del.* (1897), *Art.* 4.

Sec. 2. The supreme court shall consist of three justices who shall be elected by the qualified electors of the state at the time and places of voting for members of the legislature, and shall hold their office for a term of six years, except those first elected, one of whom, to be designated by lot in such manner as they may determine, shall hold his office for two years, another to be designated in like manner for four years, and the third for six years, so that one shall be elected every two years after the first election. The chief justice shall be designated by lot by said justices, and shall be such during his term of office. The first election for said justices shall take place at the first election for members of the legislature after the ratification of this constitution, and their term of office shall begin on the first Tuesday after the first Monday in January after their election.—*Fla.* (1885), *Art.* 5.

Sec. 4. The majority of the justices of the supreme court shall constitute a quorum for the transaction of all business. The concurrence of two justices shall be necessary to a decision. The number of terms of the supreme court and the times of holding the same shall be regulated by law. All terms shall be held at the capital of the state.—*Fla.* (1885), *Art.* 5.

Sec. 6. The legislature shall have power to prescribe regulations for calling into the supreme court a judge of the circuit court, to hear and determine any matters pending before the court in the place of any justice thereof that shall be disqualified or disabled in such case from interest or other cause.—*Fla.* (1885), *Art.* 5.

Sec. 2. Par. 8. The supreme court shall hereafter consist of a chief justice and five associate justices. The court shall have power to hear and determine cases when sitting, either in a body or in two divisions of three judges each, under such regulations as may be prescribed by the general assembly. A majority of either division shall constitute a quorum for that division. The chief justice and the associate justices of the supreme court shall hereafter be elected by the people at the same time and in the same manner as the governor and the state house officers are elected, except that the first election under this amendment shall be held on the third Wednesday in December, 1896, at which time one associate justice shall be elected for a full term of six years, to fill the vacancy occurring on January 1st, 1897, by the expiration of the term of one of

the present incumbents, and three additional associate justices shall be elected for terms expiring respectively, January 1st, 1899, January 1st, 1901, and January 1st, 1903. The persons elected as additional associate justices shall among themselves determine by lot which of the three last mentioned terms each shall have, and they shall be commissioned accordingly.

After said first election, all terms (except unexpired terms) shall be for six years each. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the governor shall hold his office until the next regular election, and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of said special election shall be made to the secretary of state.—*Ga.* (1877), *Art. 6* (*Amdt.* 1895).

Sec. 6. The supreme court shall consist of three justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. The justices of the supreme court shall be elected by the electors of the state at large. The terms of office of the justices of the supreme court, except as in this article otherwise provided, shall be six years. The justices of the supreme court shall, immediately after the first election under this constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the justices of the supreme court, who shall, for that purpose, assemble at the seat of government, and they shall cause the result thereof to be certified to by the secretary of state and filed in his office. The justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve shall preside in his stead.—*Idaho* (1889), *Art. 5*.

Sec. 2. The supreme court shall consist of seven judges, and shall have original jurisdiction in cases relating to the revenue, in mandamus and habeas corpus, and appellate jurisdiction in all other cases. One of said judges shall be chief justice; four shall constitute a quorum, and the concurrence of four shall be necessary to every decision.—*Ill.* (1870), *Art. 6*.

Sec. 24. The judge having the shortest unexpired term shall be chief justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be chief justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.—*Ill.* (1870), *Art. 6*.

Sec. 2. The supreme court shall consist of not less than three, nor more than five judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.—*Ind.* (1851), *Art. 6*.

Sec. 3. The state shall be divided into as many districts as there are judges of the supreme court, and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said judges shall be elected from each district, and reside therein; but said judge shall be elected by the electors of the state at large.—*Ind.* (1851), *Art.* 7.

Sec. 2. The supreme court shall consist of three judges, two of whom shall constitute a quorum to hold court.—*Iowa* (1857), *Art.* 5.

Sec. 3. The judges of the supreme court shall be elected by the qualified electors of the state, and shall hold their court at such time and place as the general assembly may prescribe. The judges of the supreme court so elected, shall be classified so that one judge shall go out of office every two years; and the judge holding the shortest term of office under such classification, shall be chief justice of the court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each judge of the supreme court shall be six years, and until his successor shall have been elected and qualified. The judges of the supreme court shall be ineligible to any other office in the state, during the term for which they shall have been elected.—*Iowa* (1857), *Art.* 5.

Sec. 2. The supreme court shall consist of seven justices, who shall be chosen by the electors of the state. They may sit separately in two divisions, with full power in each division to determine the cases assigned to be heard by such division. Three justices shall constitute a quorum in each division and the concurrence of three shall be necessary to a decision. Such cases only as may be ordered to be heard by the whole court shall be considered by all the justices, and the concurrence of four justices shall be necessary to a decision in cases so heard. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in years of these shall be chief justice, and the presiding justice of each division shall be selected from the judges assigned to that division in like manner. The term of office of the justices shall be six years, except as hereinafter provided. The justices in office at the time this amendment takes effect shall hold their office for the terms for which they were severally elected and until their successors are elected and qualified. As soon as practicable after the second Monday in January, 1901, the governor shall appoint four justices, to hold their offices until the second Monday in January, 1903. At the general election in 1902 there shall be elected five justices, one of whom shall hold his office for two years, one for four years and three for six years. At the general election in 1904 and every six years thereafter two justices shall be elected. At the general election in 1906 and every six years thereafter two justices shall be elected. At the general election in 1908 and every six years thereafter three justices shall be elected.—*Kan.* (1859), *Art.* 3 (*Amdt.* 1900).

Sec. 112. The judges of the court of appeals shall severally hold

their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the governor shall remove them, or any one or more of them, on the address of two-thirds of each house of the general assembly. The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each house. They shall at stated times receive for their services an adequate compensation, to be fixed by law.—*Ky.* (1891), *Sec.* 112.

Sec. 113. The court of appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven judges. They shall, severally, by virtue of their office, be conservators of the peace throughout the state, and shall be commissioned by the governor.—*Ky.* (1891), *Sec.* 113.

Sec. 116. The judges of the court of appeals shall be elected by districts. The general assembly shall, before the regular election in eighteen hundred and ninety-four, divide the state, by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of judges of the court of appeals; and it may, every ten years thereafter, or when the number of judges requires it, redistrict the state in like manner. Upon the creation of new or additional districts, the general assembly shall designate the year in which the first election for a judge of the court of appeals shall be held in each district, so that not more than the number of judges provided for shall be elected, and that no judge may be deprived of his office until the expiration of the term for which he was elected.—*Ky.* (1891), *Sec.* 116.

Sec. 117. A majority of the judges of the court of appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the governor, on that fact being certified to him by the chief justice, shall appoint to try the particular cause a sufficient number of judges to constitute a full court. The judges so appointed shall possess the qualifications prescribed for judges of the court of appeals, and receive the same compensation proportioned to the length of service.—*Ky.* (1891), *Sec.* 117.

Sec. 118. The judge longest in commission as judge of the court of appeals shall be chief justice, and if the term of service of two or more judges be the same, they shall determine by lot which of their number shall be chief justice. The court shall prescribe by rule that petitions for rehearing shall be considered by a judge who did not deliver the opinion in the case; and the court, if composed of seven judges, shall divide itself into sections for the transaction of business, if, in the judgment of the court, such arrangement is necessary.—*Ky.* (1891), *Sec.* 118.

Art. 86. The supreme court shall be composed of one chief justice and four associate justices, a majority of whom shall constitute a

quorum. The chief justice and associate justices shall each receive a salary of not less than five thousand dollars per annum, payable monthly on his own warrant. They shall be appointed by the governor, with the advice and consent of the senate, for the term of twelve years. In case of death, resignation or removal from office of any justice, the vacancy shall be filled by appointment for the unexpired term of such justice. They shall be citizens of the United States and of this state, over thirty-five years of age, learned in the law, and shall have practised law in this state for ten years preceding their appointment.—*La.* (1898), *Art.* 86.

Art. 87. The state shall be divided into four supreme court districts, and the supreme court shall always be composed of justices appointed from said districts. [Here follows a description of the districts.] The justices of the supreme court, as now constituted, shall serve until the expiration of their respective terms. When the office of chief justice becomes vacant, either from expiration of term, death, resignation, or from any other cause, the associate justice who has served the longest time, shall by virtue of said length of service, become chief justice, and the new appointee shall become an associate justice only.—*La.* (1898), *Art.* 87.

Art. 89. No judgment shall be rendered by the supreme court without the concurrence of three justices. Whenever three members cannot concur in any case, in consequence of the recusation of any member or members of the court, or for any other cause, the court shall have authority to call on any judge or judges of the courts of appeals, or district courts, whose duty it shall be, when so called upon, to sit in such case.—*La.* (1898), *Art.* 89.

Art. 99. The courts of appeal shall remain as at present constituted, until the first day of July, 1900, from and after that date the several courts of appeal, except as hereinafter provided, shall consist of one of the judges of those courts whose terms shall not have expired, and who, with a judge of a district court to be designated by the supreme court, shall be assigned by the supreme court to that duty, throughout the state.

From and after the first day of July, 1904, the courts of appeal shall be composed of two district judges, to be from time to time designated by the supreme court, and assigned to the performance of the duties of judges of said courts of appeal: *Provided*, That no district judge shall be assigned to serve as a member of the court of appeal for any parish in his own district: *And provided further*, That district judges shall be paid their actual and necessary expenses when serving as judges of the courts of appeal in such manner as may be provided by law.—*La.* (1898), *Art.* 99.

Sec. 14. The court of appeals shall be composed of the chief judges of the first seven of the several judicial circuits of the state and a judge from the city of Baltimore specially elected thereto, one of whom shall be designated by the governor, by and with the advice and consent of the senate, as the chief judge; and in all cases until action

by the senate can be had, the judge so designated by the governor shall act as chief judge. The judge of the court of appeals from the city of Baltimore shall be elected by the qualified voters of said city at the election of judges to be held therein, as hereinbefore provided; and in addition to his duties as judge of the court of appeals, shall perform such other duties as the general assembly shall prescribe. The jurisdiction of said court of appeals shall be co-extensive with the limits of the state, and such as now is or may hereafter be prescribed by law. It shall hold its sessions in the city of Annapolis, on the first Monday in April, and the first Monday in October; on the second Monday in January; the first Monday in April and the first Monday in October of each and every year, or at such other times as the general assembly may by law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require; and it shall be competent for the judges temporarily to transfer their sittings elsewhere upon sufficient cause.—*Md.* (1867), *Art.* 4.

Sec. 15. Four of said judges shall constitute a quorum; no cause shall be decided without the concurrence of at least three; but the judge who heard the cause below shall not participate in the decision; in every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the record.—*Md.* (1867), *Art.* 4.

Sec. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of the associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen, by the qualified electors of the state, one clerk of the supreme court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.—*Minn.* (1857), *Art.* 6.

Sec. 3. The judges of the supreme court shall be elected by the electors of the state at large, and their term of office shall be six years, and until their successors are elected and qualified.

Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any case in said court, the governor, or, if he shall be interested in the result of such case, then the lieutenant governor, shall assign judges of the district court of the state, who shall sit in such case in place of such disqualified judges, with all the powers and duties of judges of the supreme court.—*Minn.* (1857), *Art.* 6 (*Amdt.* 1876).

Sec. 145. The supreme court shall consist of three judges, any two of whom, when convened, shall form a quorum. The legislature shall divide the state into three supreme court districts, and the governor, by and with the advice and consent of the senate, shall appoint one judge for and from each district; but the removal of a judge to the state capital during his term of office shall not render him ineligible as his own successor for the district from which he has removed. The present incumbents shall be considered as holding their terms of office from the state at large.—*Miss.* (1890), *Art.* 6.

Sec. 149. The term of office of the judges of the supreme court shall be nine years. The office of one of said judges shall be vacated in three years, one in six years, and one in nine years, so that at the expiration of every three years one of said judges shall be appointed as aforesaid.—*Miss.* (1890), *Art.* 6.

Sec. 4. The judges of the supreme court shall hold office for the term of ten years. The judge oldest in commission shall be chief justice of the court; and if there be more than one commission of the same date, the court may select the chief justice from the judges holding the same.—*Mo.* (1875), *Art.* 6.

Sec. 5. The supreme court shall consist of five judges, any three of whom shall constitute a quorum; and said judges shall be conservators of the peace throughout the state, and shall be elected by the qualified voters thereof.—*Mo.* (1875), *Art.* 6.

Sec. 1. The supreme court shall consist of seven judges, and, after the first Monday in January, 1891, shall be divided into two divisions, as follows: One division to consist of four judges of the court and to be known as division number one, the other to consist of the remaining judges and to be known as division number two. The divisions shall sit separately for the hearing and disposition of causes and matters pertaining thereto, and shall have concurrent jurisdiction of all matters and causes in the supreme court, except that division number two shall have exclusive cognizance of all criminal cases pending in said court: *Provided*, That a cause therein may be transferred to the court as provided in section four of this amendment. The division of business of which said divisions have concurrent jurisdiction shall be made as the supreme court may determine. A majority of the judges of a division shall constitute a quorum thereof, and all orders, judgments and decrees of either division, as to causes and matters pending before it, shall have the force and effect of those of the court.—*Mo.* (1875), *Amdt.*

Sec. 3. The supreme court shall assign to each division the causes and matters to be heard by it, of which assignment due public notice shall be given, and all laws relating to practice in the supreme court, as well as the rules of the supreme court, shall apply to each division so far as they may be applicable thereto. The opinion of each division shall be in writing, and shall be filed in the causes in which they shall be respectively made during the term at which the cause is submitted, and such opinions shall be a part of the records of the supreme

court. Each division shall have authority to issue the original writs and exercise the powers enumerated in section three of article six of the constitution.—*Mo.* (1875), *Amdt.*

Sec. 4. When the judges of a division are equally divided in opinion in a cause, or when a judge of a division dissents from the opinion therein, or when a federal question is involved, the cause, on the application of the losing party, shall be transferred to the court for its decision; or when a division in which a cause is pending shall so order, the cause shall be transferred to the court for its decision.—*Mo.* (1875), *Amdt.*

Sec. 5. Whenever in the opinion of the supreme court the state of its docket with reference to the speedy disposition of the business of the court will justify dispensing with the divisions hereinbefore provided, the court may dispense therewith and the court shall thereafter hear and determine all causes pending in it: *Provided, however,* That the court shall have the power to again divide itself into two divisions, in like manner and with like power and effect as hereinbefore provided, whenever in the opinion of six judges thereof, entered of record, the condition of its docket with reference to the speedy disposition of the business of the court so require; and in such division the four judges oldest in commission shall constitute division number one, and the remaining judges division number two.—*Mo.* (1875), *Amdt.*

Sec. 5. The supreme court shall consist of three justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain and the legislative assembly shall have the power to increase the number of said justices to not less nor more than five. In case any justice or justices of the supreme court shall be in any way disqualified to sit in a cause brought before such court, the remaining justice or justices shall have power to call on one or more of the district judges of this state as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this section provided, the decision and the opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the supreme court.—*Mont.* (1889), *Art. 8* (*Amdt.* 1900), *Sec. 5.*

Sec. 2. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or to pronounce a decision. It shall have original jurisdiction in cases relating to the revenue, civil cases in which the state shall be a party, mandamus, quo warranto, habeas corpus, and such appellate jurisdiction as may be provided by law.—*Neb.* (1875), *Art. 6.*

Sec. 5. The judges of the supreme court shall immediately after the first election under this constitution, be classified by lot so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years.—*Neb.* (1875), *Art. 6.*

Sec. 6. The judge of the supreme court having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and as such shall preside at all terms of the supreme court; and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.—*Neb.* (1875), *Art.* 6.

Sec. 2. The supreme court shall consist of a chief justice and two associate justices, a majority of whom shall constitute a quorum: *Provided*, That the legislature, by a majority of all the members elected to each branch thereof, may provide for the election of two additional associate justices, and if so increased three shall constitute a quorum. The concurrence of a majority of the whole court shall be necessary to render a decision.—*Nev.* (1864), *Art.* 6.

1. The court of errors and appeals shall consist of the chancellor, the justices of the supreme court, and six judges, or a major part of them; which judges are to be appointed for six years.—*N. J.* (1844), *Art.* 6, *Sec.* 2, *cl.* 1.

Sec. 1. The supreme court is continued with general jurisdiction in law and equity, subject to such appellate jurisdiction of the court of appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the state are continued until changed as hereinafter provided. The supreme court shall consist of the justices now in office, and of the judges transferred thereto by the fifth section of this article, all of whom shall continue to be justices of the supreme court during their respective terms, and of twelve additional justices who shall reside in and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial districts once after every enumeration under the constitution, of the inhabitants of the state, and thereupon reapportion the justices to be thereafter elected in the districts so altered.—*N. Y.* (1894), *Art.* 6.

Sec. 2. The legislature shall divide the state into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the legislature may alter the judicial departments, but without increasing the number thereof.

There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case.

From all the justices elected to the supreme court the governor shall designate those who shall constitute the appellate division in each department; and he shall designate the presiding justice thereof, who

shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years, or the unexpired portions of their respective terms of office, if less than five years. From that time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the appellate division in each department shall be residents of the department. He may also make temporary designations in case of the absence or inability to act of any justice in the appellate division; or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, one thousand eight hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms, and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city court of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter.

The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.—*N. Y. (1894), Art. 6.*

Sec. 7. The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants. Whenever and as often as a majority of the judges of the court of appeals shall certify to the governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the governor shall designate not more than four justices of the supreme court to serve as associate judges of court of appeals. The justices so designated shall be relieved from their duties as justices of the supreme court and shall serve as associate judges of the court of appeals until the causes undisposed of in said court are reduced to two hundred, when they shall return to the supreme court. The governor may designate justices of the supreme court to fill vacancies. No justice

shall serve as associate judge of the court of appeals except while holding the office of justice of the supreme court, and no more than seven judges shall sit in any case.—*N. Y.* (1894), *Art.* 6.

Sec. 6. The supreme court shall consist of a chief justice and four associate justices.—*N. C.* (1875), *Art.* 4.

Sec. 89. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain.—*N. Dak.* (1889), *Art.* 4.

Sec. 91. The term of office of the judges of the supreme court, except as in this article otherwise provided, shall be six years, and they shall hold their offices until their successors are duly qualified.—*N. Dak.* (1889), *Art.* 4.

Sec. 92. The judges of the supreme court shall, immediately after the first election under this constitution, be classified by lot so that one shall hold his office for the term of three years, one for the term of five years, and one for the term of seven years from the first Monday in December, A. D. 1889. The lots shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of the territory and filed in his office, unless the secretary of state of North Dakota shall have entered upon the duties of his office, in which event said certification shall be filed therein. The judge having the shortest term to serve, not holding his office by election or appointment to fill a vacancy, shall be chief justice and shall preside at all terms of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.—*N. Dak.* (1889), *Art.* 4, *Sec.* 92.

Sec. 2. The supreme court shall, until otherwise provide [provided] by law, consist of five judges, a majority of whom competent to sit shall be necessary to form a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus and procendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large, for such term, not less than five years, as the general assembly may prescribe, and they shall be elected and their official term shall begin at such time as may be fixed by law. In case the general assembly shall increase the number of such judges, the first term of each of such additional judges shall be such, that in each year after their first election, an equal number of judges of the supreme court shall be elected, except in elections to fill vacancies; and whenever the number of such judges shall be increased, the general assembly may authorize such court to organize divisions thereof, not exceeding three, each division to consist of an equal number of judges; for the adjudication of cases, a majority of each division shall constitute a quorum, and such an assignment of the cases to each di-

vision may be made as such court may deem expedient, but whenever all the judges of either division hearing a case shall not concur as to the judgment to be rendered therein, or whenever a case shall involve the constitutionality of an act of the general assembly or of an act of congress, it shall be reserved to the whole court for adjudication. The judges of the supreme court in office when this amendment takes effect, shall continue to hold their offices until their successors are elected and qualified.—*Ohio* (1851), *Art* 4 (*Amdt.* 1883).

Sec. 3. The supreme court shall consist of five justices until the number shall be changed by law. The state shall be divided into five supreme court judicial districts until the legislature shall change the number of members of the court, at which time the legislature shall re-district the state to conform to the number of justices of the supreme court. From each of said districts, candidates for justice of the supreme court shall be nominated by political parties, or by petitioners of the respective districts, in the manner provided by law, and such candidates shall be voted for by the qualified voters of the state at large, and no elector at such election shall vote for more than one candidate for each district. The candidate from each district receiving the highest number of votes cast in the state at said election shall be declared the justice-elect in said district. A majority of the members of the supreme court shall constitute a quorum, and the concurrence of the majority of said court shall be necessary to decide any question. No person shall be eligible to the office of justice of the supreme court unless he shall be at the time of his election a citizen of the United States and shall have been a resident of the territory embraced within the state for a period of two years, and of the territory comprising the district from which he is elected for a period of one year; and unless he shall have attained the age of thirty years and shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or such judge and lawyer together at least five years.

The term of office of the justices of the supreme court shall be six years, except as herein provided. Each member of such court shall be a conservator of the peace throughout the state; and in case of a vacancy in the membership of said court, the governor shall, by appointment from the district, fill such vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state.—*Okla.* (1907), *Art.* 7.

Sec. 4. The term of office of the justices of the supreme court shall commence on the second Monday of January following their election: *Provided, however,* That the term of office of the justices elected at the first election under this constitution shall commence upon the admission of the state into the union, and shall continue as hereinafter provided. Those appointed or elected to fill vacancies shall enter upon the discharge of their duties as soon as they qualify.—*Okla.* (1907), *Art.* 7.

Sec. 6. At the first session of the supreme court the justices thereof shall elect one of their number chief justice, who shall serve as chief justice until the expiration of his term of office; thereafter the chief justice

shall be elected in the manner provided by law. Of the justices elected at the first election, the term of two of them shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and nine; and the term of two of the others shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and eleven; and the term of the other justice shall expire at the close of the day next preceding the second Monday in January, nineteen hundred and thirteen. The supreme court shall, by order duly entered in its minutes, provide the means of determining by lot the expiration of the terms of each of the justices as hereinbefore provided, and shall determine in accordance therewith, and enter in the minutes of the court its order showing the expiration of the term of each of such justices. After the first election, justices of the supreme court shall be elected at the general biennial election next preceding the beginning of their respective terms.—*Okl.* (1907), *Art.* 7.

Sec. 2. The supreme court shall consist of four justices, to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the state at least three years next preceding their election, and after their election to reside in their respective districts. The number of justices and districts may be increased, but shall not exceed five, until the white population of the state shall amount to one hundred thousand, and shall never exceed seven; and the boundaries of districts may be changed, but no change of district shall have the effect to remove a judge from office, or require him to change his residence without his consent.—*Ore.* (1857), *Art.* 7.

Sec. 5. The judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment, shall be the chief justice.—*Ore.* (1857), *Art.* 7.

Sec. 10. When the white population of the state shall amount to two hundred thousand, the legislative assembly may provide for the election of supreme and circuit judges in district classes, one of which classes shall consist of three justices of the supreme court, who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges, who shall hold full terms without allotment, and who shall take the same oath as the supreme judges.—*Ore.* (1857), *Art.* 7.

Sec. 2. The supreme court shall consist of seven judges, who shall be elected by the qualified electors of the state at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice and thereafter each judge whose commission shall first expire shall in turn be chief justice.—*Pa.* (1873), *Art.* 5.

Sec. 17. Should any two or more judges of the supreme court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission and certify the result to

the governor, who shall issue their commissions in accordance therewith.—*Pa.* (1873), *Art.* 5.

Sec. 2. The supreme court shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum for the transaction of business. The chief justice shall preside, and in his absence the senior associate justice. They shall be elected by a joint viva voce vote of the general assembly for the term of eight years, and shall continue in office until their successors shall be elected and qualified, and shall be so classified that one of them shall go out of office every two years.—*S. C.* (1895), *Art.* 5.

Sec. 12. In all cases decided by the supreme court the concurrence of three of the justices shall be necessary for a reversal of the judgment below, but if the four justices equally divide in opinion the judgment below shall be affirmed, subject to the provisions hereinafter prescribed. Whenever, upon the hearing of any cause or question before the supreme court, in the exercise of its original or appellate jurisdiction, it shall appear to the justices thereof, or any two of them, that there is involved a question of constitutional law, or of conflict between the constitution and laws of this state and of the United States, or between the duties and obligations of her citizens under the same, upon the determination of which the entire court is not agreed; or whenever the justices of said court, or any two of them, desire it on any cause or question so before said court, the chief justice, or in his absence the presiding associate justice, shall call to the assistance of the supreme court all of the judges of the circuit court: *Provided, however,* That when the matter to be submitted is involved in an appeal from the circuit court, the circuit judge who tried the cause shall not sit. A majority of the justices of the supreme court and circuit judges shall constitute a quorum. The decision of the court so constituted, or a majority of the justices and judges sitting, shall be final and conclusive. In such case the chief justice, or in his absence the presiding associate justice, shall preside. Whenever the justices of the supreme court and the circuit judges meet together for the purposes aforesaid, if the number thereof qualified to sit constitute an even number, then one of the circuit judges must retire; and the circuit judges present shall determine by lot which of their number shall retire.—*S. C.* (1895), *Art.* 5.

Sec. 5. The supreme court shall consist of three judges, to be chosen from districts by qualified electors of the state at large, as hereinafter provided.—*S. D.* (1889), *Art.* 5.

Sec. 6. The number of said judges and districts may after five years from the admission of this state under this constitution, be increased by law to not exceeding five.—*S. D.* (1889), *Art.* 5.

Sec. 7. A majority of the judges of the supreme court shall be necessary to form a quorum or to pronounce a decision, but one or more of said judges may adjourn the court from day to day, or to a day certain.—*S. D.* (1889), *Art.* 5.

Sec. 8. The term of the judges of the supreme court, who shall be elected at the first election under this constitution, shall be four years. At all subsequent elections the term of said judges shall be six years.—*S. D.* (1889), *Art.* 5.

Sec. 9. The judges of the supreme court shall by rule select from their number a presiding judge, who shall act as such for the term prescribed by such rule.—*S. D.* (1889), *Art.* 5.

Sec. 2. The supreme court shall consist of five judges, of whom not more than two shall reside in any one of the grand divisions of the state. The judges shall designate one of their own number who shall preside as chief justice. The concurrence of three of the judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may, from time to time, be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present supreme court. Said court shall be held at Knoxville, Nashville and Jackson.—*Tenn.* (1870), *Art.* 6.

Sec. 2. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to the decision of a case. No person shall be eligible to the office of chief justice or associate justice of the supreme court unless he be, at the time of his election, a citizen of the United States and of this state, and unless he shall have attained the age of thirty years, and shall have been a practicing lawyer or a judge of a court, or such lawyer and judge together, at least seven years. Said chief justice and associate justices shall be elected by the qualified voters of the state at a general election, shall hold their offices six years or until their successors are elected and qualified, and shall each receive an annual salary of four thousand dollars until otherwise provided by law. In case of a vacancy in the office of chief justice of the supreme court the governor shall fill the vacancy until the next general election for the state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The judges of the supreme court who may be in office at the time of this amendment takes effect shall continue in office until the expiration of their term of office under the present constitution, and until their successors are elected and qualified.—*Tex.* (1875), *Art.* 5 (*Amdt.*).

Sec. 4. The court of criminal appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court; said judges shall have the same qualifications and receive the same salaries as the judges of the supreme court. They shall be elected by the qualified voters of the state at a general election, and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the court of criminal appeals the governor shall fill such vacancy by appointment for the unexpired term. The judges of the court of appeals who may be in office at the time when this amendment takes effect shall

continue in office until the expiration of their term of office under the present constitution and laws as judges of the court of criminal appeals.—*Tex.* (1875), *Art. 5 (Amdt.)*.

Sec. 2. The supreme court shall consist of three judges; but after the year A. D. 1905, the legislature may increase the number thereof to five. A majority of the judges constituting the court shall be necessary to form a quorum or render a decision. If a justice of the supreme court shall be disqualified from sitting in a cause before said court, the remaining judges shall call a district judge to sit with them on the hearing of such cause. The judges of the supreme court shall be elected by the electors of the state at large. The term of office of the judges of the supreme court, excepting as in this article otherwise provided, shall be six years. The judges of the supreme court, immediately after the first election under this constitution, shall be selected by lot, so that one shall hold office for the term of three years, one for the term of five years, and one for the term of seven years. The lots shall be drawn by the judges of the supreme court, who, for that purpose, shall assemble at the seat of government; and they shall cause the result thereof to be certified by the secretary of state, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all terms of the supreme court, and in case of his absence, the judge, having in like manner, the next shorest term, shall preside in his stead.—*Utah* (1896), *Art. 8*.

Art. 26. The judges of the supreme court shall be elected biennially, and their term of office shall be two years.—*Vt.* (1793), *Amdt. Art. 26*.

Sec. 88. The supreme court of appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the constitution of this state or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the commonwealth in any case involving the life or liberty of a person, except that an appeal by the commonwealth may be allowed by law in any case involving the violation of a law relating to the state revenue. No bond shall be required of any accused person as a condition of appeal, but a super-sedeas bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred

dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the state, county, or municipal corporation, to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of habeas corpus, mandamus, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the general assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the constitution of this state or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitutionality of a law is involved, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.—*Va. (1902), Art. 6.*

Sec. 91. The judges of the supreme court of appeals shall be chosen by the joint vote of the two houses of the general assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other state for five years. At the first election under this constitution, the general assembly shall elect the judges for terms of four, six, eight ten, and twelve years respectively; and thereafter they shall be elected for terms of twelve years.—*Va. (1902), Art. 6.*

Sec. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time, and may provide for separate departments of said court.—*Wash. (1889), Art. 4.*

Sec. 3. The judges of the supreme court shall be elected by the qualified electors of the state at large, at the general state election, at the times and places at which state officers are elected, unless some other time to be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of

three years, two for a term of five years, and one for the term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.—*Wash.* (1889), *Art.* 4.

Sec. 2. The supreme court of appeals shall consist of five judges. Those judges in office when this amendment takes effect shall continue in office until their terms shall expire, and the legislature shall provide for the election of an additional judge of said court at the next general election, whose term shall begin on the first day of January, one thousand nine hundred and five, and the governor shall, as for a vacancy, appoint a judge of said court to hold office until the first day of January, one thousand nine hundred and five. The judges of the supreme court of appeals and of the circuit courts shall receive such salaries as shall be fixed by law, for those now in or those hereafter to come into office.—*W. Va.* (1872), *Art.* 8 (*Amdt.* 1902).

Sec. 4. No decision rendered by the supreme court of appeals shall be considered as binding authority upon any of the inferior courts of this state, except in the particular case decided, unless such decision is concurred in by at least three judges of said court.—*W. Va.* (1872), *Art.* 8.

Sec. 4. The chief justice and associate justices of the supreme court shall be severally known as the justices of said court, with the same terms of office of ten years respectively as now provided. The supreme court shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.—*Wis.* (1848), *Art.* 7 (*Amdt.* 1903).

Sec. 4. The supreme court of the state shall consist of three justices who shall be elected by the qualified electors of the state at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their term, and an entry of such classification shall be made in record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.—*Wyo.* (1889), *Art.* 5.

Sec. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business.—*Wyo.* (1889), *Art.* 5.

POWERS AND JURISDICTION OF SUPREME COURT.

(75) Sec. 3. *The supreme court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.*—*Mich.* (1850) *Art.* 6.

Sec. 140. Except in cases otherwise directed in this constitution, the supreme court shall have appellate jurisdiction only, which shall be coextensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein: *Provided.* That the supreme court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.—*Ala.* (1901), *Art.* 6.

Sec. 4. The supreme court, except in cases otherwise provided by this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state, under such restrictions as may from time

to time be prescribed by law. It shall have a general superintending control over all inferior courts of law and equity; and, in aid of its appellate and supervisory jurisdiction, it shall have power to issue writs of error and supersedeas, certiorari, habeas corpus, prohibition, mandamus and quo warranto, and other remedial writs, and to hear and determine the same. Its judges shall be conservators of the peace throughout the state, and shall severally have power to issue any of the aforesaid writs.—*Ark.* (1874), *Art.* 7.

Sec. 5. In the exercise of original jurisdiction the supreme court shall have power to issue writs of quo warranto to the circuit judges and chancellors when created, and to officers of political corporations when the question involved is the legal existence of such corporations.—*Ark.* (1874), *Art.* 7.

Sec. 4. The supreme court shall have appellate jurisdiction in all cases in equity, except such as arise in justices' courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in cases of forcible entry and detainer, and in proceedings in insolvency, and in actions to prevent or abate a nuisance, and all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment or information in a court of record on questions of law alone. The court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the supreme court, or before any superior court in the state, or before any judge thereof.—*Cal.* (1880), *Art.* 6.

Sec. 2. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.—*Colo.* (1876), *Art.* 6.

Sec. 3. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other remedial writs, with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of habeas corpus. The supreme court shall give its opinion on important questions upon solemn occasions when required by the governor, the senate or the house of representatives; and all such opinions shall be published in connection with the reported decisions of said court.—*Colo.* (1876), *Art.* 6.

Sec. 12. The supreme court shall have jurisdiction as follows:

(1). To issue writs of error to the superior court and to determine

finally all matters in error in the judgments and proceedings of said superior court.

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the court of oyer and terminer and the court of general sessions in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding one hundred dollars, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said court of oyer and terminer and court of general sessions in such cases: *Provided, however*, That there shall be no writ of error to the court of general sessions in cases of prosecution under section 8 of article 5 of this constitution.

(3). To receive appeals from the court of general sessions in cases of prosecution under section 8 of article 5 of this constitution, and to determine finally all matters of appeal in such cases.

(4). To receive appeals from the court of chancery, and to determine finally all matters of appeals in the interlocutory of final decrees and to proceedings in chancery.

(5). To issue writs of prohibition, certiorari and mandamus to the superior court, the court of oyer and terminer, the court of general sessions, the court of chancery and the orphans' court, or any of the judges of the said courts, and all orders, rules and processes proper to give effect to the same. The general assembly shall have power to provide by law of what judges of the supreme court shall consist for the purpose of this paragraph and in what manner, and by what judges of the supreme court the jurisdiction and power hereby conferred may be exercised in vacation.—*Del.* (1897), *Art.* 4.

Sec. 5. The supreme court shall have appellate jurisdiction in all cases at law and in equity originating in circuit courts, and of appeals from the circuit courts in cases arising before judges of the county courts in matters pertaining to their probate jurisdiction and in the management of the estates of infants, and in cases of conviction of felony in the criminal courts, and in all criminal cases originating in the circuit courts. The court shall have the power to issue writs of mandamus, certiorari, prohibition, quo warranto, habeas corpus and also all writs necessary or proper to the complete exercise of its jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or any justice thereof, or before any circuit judge.—*Fla.* (1885), *Art.* 5.

Sec. 2. Par. 5. The supreme court shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors from the superior courts, and from the city courts of Atlanta and Savannah, and such other like courts as may be hereafter established in other cities; and shall sit at the seat of government, at such time in each year as shall be prescribed by law, for the trial and determination of writs of error from said superior and city courts.—*Ga.* (1877), *Art.* 6.

Sec. 2. Par. 6. The supreme court shall dispose of every case at the first or second term after such writ or error is brought; and in case the

plaintiff in error shall not be prepared at the first term to prosecute the case—unless prevented by providential cause—it shall be stricken from the docket, and the judgment below shall stand affirmed.—*Ga.* (1877), *Art.* 6.

Sec. 2. Par. 7. In any case the court may, in its discretion, withhold its judgment until the next term after the same is argued.—*Ga.* (1877), *Art.* 6.

Sec. 9. The supreme court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges thereof. The supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction.—*Idaho* (1889), *Art.* 5.

Sec. 10. The supreme court shall have original jurisdiction to hear claims against the state, but its decision shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the legislature for its action.—*Idaho* (1889), *Art.* 5.

Sec. 4. The supreme court shall have jurisdiction, co-extensive with the limits of the state, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the general assembly may confer.—*Ind.* (1851), *Art.* 7.

Sec. 4. The supreme courts shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may by law prescribe; and shall have power to issue all writs and process necessary to secure justice to parties and exercise a supervisory control over all inferior judicial tribunals throughout the state.—*Iowa* (1857), *Art.* 5.

Sec. 3. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government, and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.—*Kan.* (1859), *Art.* 3.

Sec. 110. The court of appeals shall have appellate jurisdiction only, which shall be co-extensive with the state, under such restrictions and regulations not repugnant to this constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.—*Ky.* (1891), *Sec.* 110.

Art. 85. The supreme court, except as hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases where the matter in dispute, or the fund to be distributed, what-

ever may be the amount therein claimed, shall exceed two thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board, and to all matters arising therein; to suits involving alimony, for the nullity of marriage, or for interdiction; to all matters of adoption, emancipation, legitimacy, and custody of children; to suits involving homestead exemptions, and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture, or penalty imposed by a municipal corporation, shall be in contestation, whatever may be the amount thereof, and to all cases wherein an ordinance of a municipal corporation or a law of this state has been declared unconstitutional, and in such cases the appeal on the law and the facts shall be directly from the court in which the case originated to the supreme court; and to criminal cases on questions of law alone, whenever the punishment of death or imprisonment at hard labor may be inflicted, or a fine exceeding three hundred dollars, or imprisonment exceeding six months, is actually imposed. Said court shall have such original jurisdiction as may be necessary to enable it to determine questions of fact affecting its own jurisdiction in any case pending before it, or it may remand the case; and shall have exclusive original jurisdiction in all matters touching professional misconduct of members of the bar, with power to disbar under such rules as may be adopted by the court.—*La.* (1898), *Art.* 85.

Art. 93. The supreme court, and each of the justices thereof, shall have power to issue the writ of habeas corpus, at the instance of any person in actual custody, in any case where it may have appellate jurisdiction.—*La.* (1898), *Art.* 93.

Art. 94. The supreme court shall have control and general supervision over all inferior courts. The court, or any justice thereof, shall have power to issue writs of certiorari, prohibition, mandamus, quo warranto, and other remedial writs.—*La.* (1898), *Art.* 94.

Art. 98. The courts of appeal, except as otherwise provided in this constitution, shall have appellate jurisdiction only, when jurisdiction shall extend to all cases, civil or probate, when the matter in dispute or the funds to be distributed shall exceed one hundred dollars, exclusive of interest, and shall not exceed two thousand dollars exclusive of interest.—*La.* (1898), *Art.* 98.

Sec. 146. The supreme court shall have such jurisdiction as properly belongs to a court of appeals.—*Miss.* (1890), *Art.* 6.

Sec. 2. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state under the restrictions and limitations in this constitution provided.—*Mo.* (1875), *Art.* 6.

Sec. 3. The supreme court shall have a general superintending control over all inferior courts. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari and other original remedial writs, and to hear and determine the same.—*Mo.* (1875), *Art.* 6.

Sec. 5. In all causes or proceedings reviewable by the supreme court, writs of error shall run from the supreme court directly to the circuit courts and to courts having the jurisdiction pertaining to circuit courts, and in all such causes or proceedings, appeals shall lie from such trial courts directly to the supreme court, and the supreme court shall have exclusive jurisdiction of such writs of error and appeals, and shall in all such cases exclusively exercise superintending control over such trial courts.—*Mo.* (1875), (*Amdt.* 1884).

Sec. 8. The supreme court shall have superintending control over the courts of appeals by mandamus, prohibition and certiorari.—*Mo.* (1875), *Amdt.* 1884.

Sec. 2. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general supervisory control over all inferior courts, under such regulations and limitations as may be prescribed by law.—*Mont.* (1889), *Art.* 8.

Sec. 3. The appellate jurisdiction of the supreme court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo-warranto, certiorari, prohibition and injunction, and such other original and remedial writs as may be necessary or proper to complete exercise of its appellate jurisdiction. When a jury is required in the supreme court to determine an issue of fact, said court shall have power to summon such jury in such manner as may be provided by law. Each of the justices of the supreme court shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of, any person held in actual custody, and may make such writs returnable before himself, or the supreme court, or before any district court of the state or any court, or before any district court of the state or any judge thereof; and such writs may be heard and determined by the justice or court, or judge, before whom they are made returnable. Each of the justices of the supreme court may also issue and hear and determine writs of certiorari in proceedings for contempt in the district court, and such other writs as he may be authorized by law to issue.—*Mont.* (1889), *Art.* 8.

Sec. 4. The supreme court shall have appellate jurisdiction in all cases in equity; also, in all cases at law in which is involved the title or right of possession to, or the possession of, real estate or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also, in all other civil cases not included in the general subdivisions of law and equity, and also on questions of law alone in all criminal cases in which the offense charged amounts to felony. The court shall also have power to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus, and also all writs necessary or proper to

the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the state upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any district court in the state, or before any judge of said court.—*Nev.* (1864), *Art.* 6.

1. The supreme court shall consist of a chief justice and four associate justices. The number of associate justices may be increased or decreased by law, but shall never be less than two.—*N. J.* (1844), *Art.* 6, *Sec.* 5, *Ch.* 1.

Sec. 8. When a vacancy shall occur otherwise than by expiration of term, in the office of chief or associate judge of the court of appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor may fill such vacancy by appointment. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.—*N. Y.* (1894), *Art.* 6.

Sec. 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the court of appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the appellate division of the supreme court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the court of appeals. Except where the judgment is of death, appeals may be taken, as of right, to said court only from judgments or orders entered upon decisions of the appellate division of the supreme court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The appellate division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the court of appeals.

The legislature may further restrict the jurisdiction of the court of appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any general term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.—*N. Y.* (1894), *Art.* 6.

Sec. 8. The supreme court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal interference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.—*N. C.* (1875), *Art.* 4.

Sec. 86. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.—*N. Dak.* (1889), *Art.* 4.

Sec. 87. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and such other original and remedial writs as may be necessary to the proper exercise of its jurisdiction, and shall have authority to hear and determine the same: *Provided, however,* That no jury trial shall be allowed in said supreme court, but in proper cases questions of fact may be sent by said court to a district court for trial.—*N. Dak.* (1889), *Art.* 4.

Sec. 2. The appellate jurisdiction of the supreme court shall be co-extensive with the state, and shall extend to all civil cases at law and in equity, and to all criminal cases until a criminal court of appeals with exclusive appellate jurisdiction in criminal cases shall be established by law. The original jurisdiction of the supreme court shall extend to a general superintending control over all inferior courts and all commissions and boards created by law. The supreme court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and such other remedial writs as may be provided by law, and to hear and determine the same; and the supreme court may exercise such other and further jurisdiction as may be conferred upon it by law. Each of the justices shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and make such writs returnable before himself, or before the supreme court, or before any district court, or judge thereof, in the state.—*Okla.* (1907), *Art.* 7.

Sec. 6. The supreme court shall have jurisdiction only to revise the final decisions of the circuit courts; and every cause shall be tried, and every decision shall be made by those judges only, or a majority of them, who did not try the cause or make the decision in the circuit court.—*Ore.* (1857), *Art.* 7.

Sec. 3. The jurisdiction of the supreme court shall extend over the state, and the judges thereof shall by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the

commonwealth whose jurisdiction extends over the state, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari, or writ of error in all cases, as is now or may hereafter be provided by law.—*Pa.* (1873), *Art.* 5.

Sec. 1. The supreme court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. A majority of its judges shall always be necessary to constitute a quorum. The inferior courts shall have such jurisdiction as may, from time to time, be prescribed by law.—*R. I.* (1842), (*Amdt.*) *Art.* 12.

Sec. 4. The supreme court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus and other original and remedial writs. Any said court shall have appellate jurisdiction only in cases of chancery, and in such appeals they shall review the findings of fact as well as the law, except in chancery cases where the facts are settled by a jury and the verdict not set aside, and shall constitute a court for the correction of errors at law under such regulations as the general assembly may by law prescribe.—*S. C.* (1895), *Art.* 5.

Sec. 25. Each of the justices of the supreme court and judges of the circuit court shall have the same power at chambers to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and interlocutory writs or orders of injunction as when in open court. The judges of the circuit courts shall have such powers at chambers as the general assembly may provide.—*S. C.* (1895), *Art.* 5.

Sec. 2. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.—*S. D.* (1889), *Art.* 5.

Sec. 3. The supreme court and the judges thereof shall have power to issue writs of habeas corpus. The supreme court shall also have power to issue writs of mandamus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be prescribed by law: *Provided, however,* That no jury trials shall be allowed in said court, but in proper cases, questions of fact may be sent by said court to a circuit court for trial before a jury.—*S. D.* (1889), *Art.* 5.

Sec. 3. The supreme court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the state. Its appellate jurisdiction shall extend to questions of law arising in cases of which the courts of civil appeals have appellate jurisdiction, under such restrictions and regulations as the legislature may prescribe. Until otherwise provided by law the appellate jurisdiction of the supreme

court shall extend to questions of law arising in the cases in the courts of civil appeals in which the judges of any court of civil appeals may disagree, or where the several courts of civil appeals may hold differently on the same question of law, or where a statute of the state is held void. The supreme court and the justices thereof shall have power to issue writs of habeas corpus as may be prescribed by law, and under such regulations as may be prescribed by law the said courts and the justices thereof may issue the writs of mandamus, procedendo, certiorari, and such other writs as may be necessary to enforce its jurisdiction. The legislature may confer original jurisdiction on the supreme court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the governor of the state. The supreme court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the capital of the state. The supreme court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause, entered of record on the minutes of said court, who shall receive such compensation as the legislature may provide.—*Tex.* (1875), *Art. 5 (Amdt.)*.

Sec. 5. The court of criminal appeals shall have appellate jurisdiction co-extensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The court of criminal appeals and the judges thereof shall have the power to issue the writ of habeas corpus, and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of criminal appeals shall have power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of criminal appeals shall sit for the transaction of business from the first Monday in October to the last Saturday of June in each year, at the state capital and two other places (or the capital city) if the legislature shall hereafter so provide. The court of criminal appeals shall appoint a clerk for each place at which it may sit, and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years unless sooner removed by the court of good cause, entered of record on the minutes of said court.—*Tex.* (1875), *Art. 5 (Amdt.)*.

Sec. 4. The supreme court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo-warranto and habeas corpus. Each of the justices shall have power to issue writs of habeas corpus, to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the supreme court, or before any district court or judge thereof in the state. In other cases the supreme court shall have appellate jurisdiction only, and power to issue writs necessary and proper for the exercise of that jurisdiction. The supreme court shall

hold at least three terms every year, and shall sit at the capital of the state.—*Utah* (1896), *Art.* 8.

Sec. 4. The supreme court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars (\$200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state, or any judge thereof.—*Wash.* (1889), *Art.* 4.

Sec. 3. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition. It shall have appellate jurisdiction in civil cases where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars; in controversies concerning the title of boundaries of land, the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator, or concerning a mill, roadway, ferry or landing; or the right of a corporation or county to levy tolls or taxes; and also, in cases of quo warranto, habeas corpus, mandamus, certiorari and prohibition and in cases involving freedom or the constitutionality of a law. It shall have appellate jurisdiction in criminal cases where there has been a conviction for felony or misdemeanor in a circuit court, and where a conviction has been had in any inferior court, and been affirmed in a circuit court, and in cases relating to the public revenue, the right of appeal shall belong to the state as well as the defendant, and such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.—*W. Va.* (1872), *Art.* 8.

Sec. 3. The supreme court, except in cases otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state; but in no case removed to the supreme court shall a trial by jury be allowed. The supreme court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari; and other original and remedial writs, and to hear and determine the same.—*Wis.* (1848), *Art.* 7.

Sec. 2. The supreme court shall have general appellate jurisdiction, co-extensive with the state, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.—*Wyo.* (1889), *Art.* 5.

Sec. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus as to all state officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any district court of the state or any judge thereof.—*Wyo.* (1889), *Art.* 5.

TERMS OF SUPREME COURT.

(76) Sec. 4. *Four terms of supreme court shall be held annually at such times and places as may be designated by law.*—*Mich.* (1850), *Art.* 6.

Sec. 141. The supreme court shall be held at the seat of government, but if that shall become dangerous from any cause, it may convene at or adjourn to another place.—*Ala.* (1901), *Art.* 6.

Sec. 8. The terms of the supreme court shall be held at the seat of government at the times that now are, or may be, provided by law.—*Ark.* (1874), *Art.* 7.

Sec. 4. At least two terms of the supreme court shall be held each year at the seat of government.—*Colo.* (1876), *Art.* 6.

Sec. 20. Until the general assembly shall provide by law for fixing the terms of the courts aforesaid, the judges of the supreme and district courts, respectively, shall fix the terms thereof.—*Colo.* (1876), *Art.* 6.

Sec. 6. Two sessions of the superior court, or court of general sessions, or one session of each of the said courts, or one session of the court of oyer and terminer and of either of the other of the said courts may at the same time to be held in the same county or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.—*Del.* (1897), *Art.* 4.

Sec. 8. At least four terms of the supreme court shall be held annually; two terms at the seat of the state government, and two terms at the city of Lewiston, in Nez Perce county. In case of epidemic, pestilence, or destruction of court houses, the justices may hold the terms of the supreme court provided by this section at other convenient places, to be fixed by a majority of said justices. After six years the legislature may alter the provisions of this section.—*Idaho* (1889), *Art.* 5.

Sec. 4. Terms of the supreme court shall continue to be held in the present grand divisions at the several places now provided for holding the same; and until otherwise provided by law, one or more terms of said court shall be held, for the norther division, in the city

of Chicago each year, at such times as said court may appoint, whenever said city or the county of Cook shall provide appropriate rooms therefor, and the use of a suitable library, without expense to the state. The judicial divisions may be altered, increased or diminished in number, and the times and places of holding said court may be changed by law.—*Ill.* (1870), *Art.* 6.

Sec. 111. The court of appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection or pestilence, it may adjourn to meet and transact its business at such other place in the state as it may deem expedient for the time being.—*Ky.* (1891), *Sec.* 111.

Art. 88. The supreme court shall hold its sessions in the city of New Orleans from the first Monday in the month of November to the end of the month of June in each and every year. It shall appoint its own clerks and remove them at pleasure.

The general assembly shall make the necessary appropriation to provide suitable and commodious buildings for said court and the records thereof, and for the care and maintenance of the state library therein; and shall provide for the repair and alteration of the building now occupied by the court.—*La.* (1898), *Art.* 88.

Art. 100. There shall be two terms of the said courts of appeal held in each parish annually, to be fixed by the judges of said courts, until the first day of July, 1904. Thereafter the terms of said courts shall be fixed in such manner as may be provided by law.—*La.* (1898), *Art.* 100.

Sec. 9. The supreme court shall be held at the seat of government at such times as may be prescribed by law; and until otherwise directed by law, the terms of said court shall commence on the third Tuesdays in October and April of each year.—*Mo.* (1875), *Art.* 6, *Sec.* 9.

Sec. 148. The supreme court shall be held twice in each year at the seat of government at such time as the legislature may provide.—*Miss.* (1890), *Art.* 6.

Sec. 4. At least three terms of the supreme court shall be held each year at the seat of government.—*Mont.* (1889), *Art.* 8.

Sec. 3. At least two terms of the supreme court shall be held each year at the seat of government.—*Neb.* (1875), *Art.* 6.

Sec. 7. The terms of the supreme court shall be held in the city of Raleigh, as now, unless otherwise provided by the general assembly.—*N. C.* (1875), *Art.* 4.

Sec. 88. Until otherwise provided by law three terms of the supreme court shall be held each year, one at the seat of government, one at Fargo, in the county of Cass, and one at Grand Forks, in the county of Grand Forks.—*N. Dak.* (1887), *Art.* 4.

Sec. 118. Until the legislative assembly shall provide by law for fixing the terms of courts, the judges of the supreme and district courts shall fix the terms thereof.—*N. Dak.* (1889), *Art.* 4.

Sec. 5. The sessions of the supreme court shall be held at the seat of government, and the sessions and duration thereof shall be fixed by rule of said court, until fixed by the legislature; but the first term of the supreme court shall be held within ninety days after the admission of the state. The supreme court shall render a written opinion in each case within six months after said case shall have been submitted for decision.—*Okla.* (1907), *Art.* 7.

Sec. 7. The terms of the supreme court shall be appointed by law; but there shall be one term at the seat of government annually. And at the close of each term the judges shall file with the secretary of state, concise written statements of the decisions made at that term.—*Ore.* (1857), *Art.* 7.

Sec. 5. The supreme court shall be held at least twice in each year at the seat of government and at such other place or places in the state as the general assembly may direct.—*S. C.* (1895), *Art.* 5.

Sec. 4. At least two terms of the supreme court shall be held each year at the seat of government.—*S. D.* (1889), *Art.* 5.

Sec. 33. Until the legislature shall provide by law for fixing the terms of courts, the judges of the supreme, circuit and county courts respectively shall fix the terms thereof.—*S. D.* (1889), *Art.* 5.

Sec. 93. The supreme court of appeals shall hold its sessions at two or more places in the state, to be fixed by law.—*Va.* (1902), *Art.* 6.

Sec. 9. There shall be at least two terms of the supreme court of appeals held annually at such times and places as may be prescribed by law.—*W. Va.* (1872), *Art.* 8.

Sec. 11. The supreme court shall hold at least one term annually, at the seat of government of the state, at such time as shall be provided by law. And the legislature may provide for holding other terms, and at other places when they may deem it necessary. A circuit court shall be held, at least twice in each year, in each county of this state organized for judicial purposes. The judges of the circuit court may hold courts for each other, and shall do so when required by law.—*Wis.* (1884), *Art.* 7.

Sec. 7. At least two terms of the supreme court shall be held annually at the seat of government at such times as may be provided by law.—*Wyo.* (1889), *Art.* 5.

Sec. 26. Until the legislature shall provide by law for fixing the terms of courts, the judges of the supreme court and district courts shall fix the terms thereof.—*Wyo.* (1889), *Art.* 5.

OPINIONS OF JUDGES MAY BE REQUIRED.

Sec. 13. The governor may, at any time, require the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties, and the justices shall render such opinion in writing.—*Fla.* (1885), *Art.* 4.

Sec. 3. They shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the governor, council, senate, or house of representatives.—*Me.* (1819), *Art.* 6.

Art. 2. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.—*Mass.* (1780), *Part*, 2, *Chap.* 3.

Art. 73. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions.—*N. H.*, *Part.* 2, *Art.* 73.

Sec. 2. The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly.—*R. I.* (1842), *Amdt.* *Art.* 12.

Sec. 13. The governor shall have authority to require the opinions of the judges of the supreme court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.—*S. D.* (1889), *Art.* 5.

PRACTICE RULES; LAW AND EQUITY; MASTER IN CHANCERY.

(77) Sec. 5. *The supreme court shall, by general rules, establish, modify and amend the practice in such court and in the circuit courts, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.*—*Mich.* (1850), *Art.* 6.

Sec. 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, are hereby prohibited; and there shall be in this state but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the state as a party against a person charged with a public offense for the punishment of the same, shall be termed a criminal action.

Feigned issues are prohibited, and the fact at issue shall be tried by order of court before a jury.—*Idaho* (1889), *Art.* 5.

Sec. 18. It shall be the duty of the judges of the court of appeals, as soon after their election under this constitution as practicable, to make and publish rules and regulations for the prosecution of appeals to said appellate court whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the court below shall constitute the record on appeal and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said court of appeals so as to prevent delays and promote brevity in all records and proceedings brought into said court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of appeals therein; and the said judges shall make such reductions in the fees and expenses of the said court as they may deem advisable. It shall also be the duty of said judges of the court of appeals, as soon after their election as practicable, to devise and promulgate by rules or orders, forms and modes of framing and filing bills, answers and other proceedings and pleadings in equity; and also forms and modes of taking and obtaining evidence, to be used in equity cases; and to revise and regulate, generally, the practice in the courts of equity of this state, so as to prevent delays, and to promote brevity and conciseness in all pleadings and proceedings, therein, and to abolish all unnecessary costs and expenses attending the same. And all rules and regulations hereby directed to be made shall, when made have the force of law until rescinded, changed or modified by the said judges, or the general assembly.—*Md.* (1876), *Art.* 4.

Sec. 28. There shall be but one form of civil action, and law and equity may be administered in the same action.—*Mont.* (1889), *Art.* 8.

Sec. 14. There shall be but one form of civil action, and law and equity may be administered in the same action.—*Nev.* (1864), *Art.* 6.

Sec. 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this state but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the state as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.—*N. C.* (1875), *Art.* 4.

Sec. 1. The general assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.—*Ohio* (1851), *Art.* 14.

Sec. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of pro-

ceeding without reference to any distinction between law and equity.—*Ohio* (1851), *Art.* 14.

Sec. 3. The proceedings of the commissioners shall, from time to time, be reported to the general assembly, and be subject to the action of that body.—*Ohio* (1851), *Art.* 14.

Sec. 3. Justice shall be administered in a uniform mode of pleading without distinction between law and equity.—*S. C.* (1895), *Art.* 6.

Sec. 25. The supreme court shall have power to make and establish rules of procedure, not inconsistent with the laws of the state, for the government of said court and the other courts of this state, to expedite the dispatch of business therein.—*Tex.* (1875), *Art.* 5 (*Amdt.* 1891).

Sec. 19. There shall be but one form of civil action, and law and equity may be administered in the same action.—*Utah* (1896), *Art.* 8.

Sec. 24. The judges of the superior courts shall, from time to time, establish uniform rules for the government of the superior courts.—*Wash.* (1889), *Art.* 4, *Sec.* 24.

Sec. 19. The testimony in causes in equity shall be taken in like manner as in cases at law, and the office of master in chancery is hereby prohibited.—*Wis.* (1848), *Art.* 7.

Sec. 22. The legislature at its first session, after the adoption of this constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise, and simplify the rules of practice, pleadings, forms and proceedings, and arrange a system, adapted to the courts of record of this state, and report the same to the legislature, subject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.—*Wis.* (1848), *Art.* 7.

CHANGE OF VENUE.

Sec. 75. The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law.—*Ala.* (1901), *Art.* 4.

Sec. 37. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be prescribed by law.—*Colo.* (1876), *Art.* 5.

Sec. 17. Par. 1. The power to change the venue in civil and criminal cases shall be vested in the superior courts, to be exercised in such manner as has been, or shall be, provided by law.—*Ga.* (1877), *Art.* 6.

Art. 169. The general assembly shall provide by law for change of venue in civil and criminal cases.—*La.* (1898), *Art.* 169.

Sec. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.—*Pa.* (1873), *Art.* 3.

Sec. 2. It shall be the duty of the general assembly to pass laws for the change of venue in all cases, civil and criminal, over which the circuit courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the county where such action of prosecution was commenced. The state shall have the same right to move for a change of venue that a defendant has for such offences as the general assembly may prescribe. Unless a change of venue be had under the provisions of this article the defendant shall be tried in the county where the offence was committed: *Provided, however,* That no change of venue shall be granted in criminal cases until after a true bill has been found by the grand jury: *And Provided, further,* That if a change be ordered it shall be to a county in the same judicial circuit.—*S. C.* (1895), *Art.* 6.

Sec. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the legislature shall pass laws for that purpose.—*Tex.* (1875), *Art.* 3.

ADMINISTRATION OF OATH.

Sec. 8. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.—*Ind.* (1851), *Art.* 1.

Sec. 232. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the general assembly the most solemn appeal to God.—*Ky.* (1891), *Sec.* 232.

Art. 39. That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.—*Md.* (1867), *D. of R.*

Sec. 7. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.—*Ore.* (1857), *Art.* 1.

Sec. 6. The mode of administering an oath, or affirmation, shall be such as may be consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.—*Wash.* (1889), *Art.* 1.

JUDGE'S CHARGE TO JURY.

Sec. 23. Judges shall not charge juries with regard to matters of fact, but shall declare the law, and in jury trials shall reduce their charge or instructions to writing on the request of either party.—*Ark.* (1874), *Art.* 7.

Sec. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—*Cal.* (1880), *Art.* 6.

Sec. 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.—*Del.* (1897), *Art.* 4.

Sec. 12. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.—*Nev.* (1864), *Art.* 6.

Sec. 26. Judges shall not charge juries in respect to matters of fact, but shall declare the law.—*S. C.* (1895), *Art.* 5.

Sec. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.—*Tenn.* (1870), *Art.* 6.

Sec. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.—*Wash.* (1889), *Art.* 4.

APPEALS; WRITS OF ERROR AND CERTIORARI.

Sec. 27. Whenever a person, not being an executor or administrator, appeals from a decree of the chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceeding in chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fails to make his plea good.—*Del.* (1897), *Art.* 4.

Sec. 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compos mentis, or a prisoner, and then within five years exclusive of the time of such disability.—*Del.* (1897), *Art.* 4.

Sec. 4. Par. 6. The general assembly may provide for an appeal from one jury, in the superior courts and city to another, and the said court may grant new trials on legal grounds.—*Ga.* (1877), *Art.* 6.

Sec. 13. The legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the legislature shall provide a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the supreme court, so far as the same may be done without conflict with this constitution.—*Idaho* (1889), *Art.* 5.

Sec. 8. Appeals and writs of error may be taken to the supreme court held in the grand division in which the case is decided, or, by consent of the parties, to any other grand division.—*Ill.* (1870), *Art.* 6.

Sec. 127. The right to appeal or sue out a writ of error shall remain as it now exists until altered by law, hereby giving to the general assembly the power to change or modify said right.—*Ky.* (1891), *Sec.* 127.

Art. 95. In all cases where there is an appeal from a judgment rendered on a reconventional demand, the appeal shall lie to the court having jurisdiction of the main demand.—*La.* (1898), *Art.* 95.

Art. 103. All cases on appeal to the courts of appeal shall be tried on the original record, pleadings, and evidence.—*La.* (1898), *Art.* 103.

Art. 104. The rules of practice regulating appeals to and proceedings in the supreme court shall apply to appeals and proceedings in the courts of appeal, so far as they may be applicable, until otherwise provided. The courts of appeal, and each of the judges thereof, shall have power to issue the writ of habeas corpus at the instance of any person in actual custody within their respective circuits.

They shall also have authority to issue writs of mandamus, prohibition, and certiorari, in aid of their appellate jurisdiction.—*La.* (1898), *Art.* 104.

Sec. 15. Writs of error and appeals shall be allowed from the decisions of the said district courts to the supreme courts under such regulations as may be prescribed by law.—*Mont.* (1889), *Art.* 8.

Sec. 23. The writ of error shall be a writ of right in all cases of felony; and in capital cases shall operate as a supersedeas to stay the execution of the sentence of death; until the further order of the supreme court in the premises.—*Neb.* (1875), *Art.* 1.

Sec. 24. The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.—*Neb.* (1875), *Art.* 1.

3. All persons aggrieved by any order, sentence or decree of the orphans' court, may appeal from the same, or from any part thereof, to the prerogative court; but such order, sentence or decree shall not be removed into the supreme court, or circuit court if the subject-matter thereof be within the jurisdiction of the orphans' court.—*N. J.* (1844), *Art.* 6, *Sec.* 4.

3. Final judgments in any circuit court may be brought by writ of error into the supreme court, or directly into the court of errors and appeals.—*N. J.* (1844), *Art. 6, Sec. 5.*

5. When an appeal from an order or decree shall be heard, the chancellor shall inform the court, in writing, of the reasons for his order or decree; but he shall not sit as a member, or have a voice in the hearing or final sentence.—*N. J.* (1844), *Art. 6, Sec. 2, Cl. 5.*

6. When a writ of error shall be brought, no justice who has given a judicial opinion in the cause in favor of or against any error complained of, shall sit as a member, or have a voice on the hearing, or for its affirmance or reversal; but the reasons for such opinion shall be assigned to the court in writing.—*N. J.* (1844), *Art. 6, Sec. 2, Cl. 6.*

Sec. 109. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme court under such regulations as may be prescribed by law.—*N. Dak.* (1889), *Art. 4.*

Sec. 14. In all cases of summary conviction in this commonwealth, or of judgment in suit for a penalty before a magistrate or court, not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court, or judge thereof, upon cause shown.—*Pa.* (1873), *Art. 5.*

Sec. 24. In all cases of felonious homicide and in such other criminal cases may be provided for by law, the accused, after conviction and sentence, may remove the indictment, record and all proceedings to the supreme court for review.—*Pa.* (1873), *Art. 5.*

Sec. 18. Writs of error and appeals may be allowed from the decisions of the circuit courts to the supreme court under such regulations as may be prescribed by law.—*S. D.* (1889), *Art. 5.*

Sec. 10. The judges or justices of inferior courts of law and equity shall have power in all civil cases [cases] to issue writs of certiorari, to remove any cause or the transcript of the record thereof, from any inferior jurisdiction into such court of law, on sufficient cause, supported by oath or affirmation.—*Tenn.* (1870), *Art. 6.*

Sec. 26. The state shall have no right of appeal in criminal cases.—*Tex.* (1875), *Art. 5.*

Sec. 9. From all final judgments of the district courts, there shall be a right of appeal to the supreme court. The appeal shall be upon the record made in the court below, and under such regulations as may be provided by law. In equity cases the appeal may be on questions of both law and fact; in cases at law the appeal shall be on questions of law alone. Appeals shall also lie from the final orders and decrees of the court in the administration of decedent estates, and in cases of guardianship, as shall be provided by law. Appeals shall also lie from the final judgment of justices of the peace in civil and criminal cases to the dis-

strict courts on both questions of law and fact, with such limitations and restrictions as shall be provided by law; and the decisions of the district courts on such appeals shall be final, except in cases involving the validity or constitutionality of a statute.—*Utah* (1896), *Art. 8*.

Sec. 6. A writ of error, supersedas, or appeal shall be allowed only by the supreme court of appeals, or a judge thereof, upon a petition assigning error in the judgment or proceedings in the inferior court and then only after said court or judge shall have examined or considered the record and assignment of errors, and is satisfied that there is error in the same, or that it presents a point proper for the consideration of the supreme court of appeals.—*W. Va.* (1872), *Art. 8*.

Sec. 21. Writs of error shall never be prohibited by law.—*Wis.* (1848), *Art. 1*.

Sec. 18. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme courts under such regulations as may be prescribed by law.—*Wyo.* (1889), *Art. 5*.

CRIMINAL MATTERS.

Sec. 169. In all prosecutions for rape and assault with intent to ravish, the court may, in its discretion, exclude from the court room all persons, except such as may be necessary in the conduct of the trial.—*Ala.* (1901), *Art. 6*.

Sec. 4. The term felony, wherever it may occur in the constitution, or the laws of the state, shall be construed to mean any criminal offense punishable by death or imprisonment in the penitentiary, and none other.—*Colo.* (1876), *Art. 18*.

Sec. 3. No costs shall be paid by a person accused, on a bill being returned ignoramus, nor on acquittal.—*Del.* (1897), *Art. 15*.

Sec. 9. In all criminal cases prosecuted in the name of the state when the defendant is insolvent or discharged, the legal costs and expenses, including the fees of officers, shall be paid by the counties where the crime is committed, under such regulations as shall be prescribed by law; and all fines and forfeitures collected under the penal laws of the state shall be paid into the county treasuries of the respective counties as a general county fund to be applied to such legal costs and expenses.—*Fla.* (1885), *Art. 16* (*Amdt.* 1894).

Sec. 25. The term felony, whenever it may occur in this constitution or in the laws of the state, shall be construed to mean any criminal offense punishable with death or imprisonment in the state penitentiary.—*Fla.* (1885), *Art. 16*.

Sec. 261. The expenses of criminal prosecutions, except those before justices of the peace, shall be borne by the county in which such prose-

cutions shall be begun; and all net fines and forfeitures shall be paid into the treasury of such county. Defendants, in cases of conviction, may be taxed with the costs.—*Miss.* (1890), *Art.* 14.

Sec. 2. No person shall be prosecuted in an civil action or criminal proceeding for or on account of any act by him done, performed or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by the government of the United States, or of this state, or of the late Confederate states, or any of them, to do such act. And if any action or proceedings shall have been or shall hereafter be instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.—*Mo.* (1875), *Art.* 4.

DIVORCE CASES.

Sec. 15. Par. 2. When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties.—*Ga.* (1877), *Art.* 6.

Sec. 16. Par. 1. Divorce cases shall be brought in the county where the defendant resides, if a resident of this state; if the defendant be not a resident of this state, then in the county in which the plaintiff resides.—*Ga.* (1877), *Art.* 6.

Art. 5. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.—*Mass.* (1780), *Part* 2, *Chap.* 3.

Art. 75. All causes of marriage, divorce, and alimony, and all appeals from the respective judges of probate, shall be heard and tried by the superior court until the legislature shall by law make other provision.—*N. H.*, *Par.* 2, *Art.* 75.

JUDGES TO REPORT DEFECTS IN LAWS.

Sec. 27. The judges of courts of record, inferior to the supreme court, shall, on or before the first day of July in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their knowledge and experience may suggest, and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the governor, to be by him transmitted to the general assembly, together with his message, such defects and omissions in the constitution and laws as they may find to exist, together with appropriate bills for curing the same.—*Colo.* (1876), *Art.* 6.

Sec. 13. It shall be the duty of the judges of the circuit courts to re-

port to the attorney-general at least thirty days before each session of the legislature such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional legislation as may be deemed necessary. The attorney-general shall report to the legislature at each session such legislation as he may deem advisable.—*Fla.* (1885), *Art.* 5.

Sec. 25. The judges of the district courts shall, on or before the first day of July in each year, report in writing to the justices of the supreme court, such defects or omissions in the laws as their knowledge and experience may suggest, and the justices of the supreme court shall, on or before the first day of December of each year, report in writing to the governor, to be by him transmitted to the legislature, together with his message, such defects and omissions in the constitution and laws as they may find to exist.—*Idaho* (1889), *Art.* 5.

Sec. 31. All judges of courts of record, inferior to the supreme court, shall, on or before the first day of June of each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest; and the judges of the supreme court shall, on or before the first day of January of each year, report in writing to the governor such defects and omissions in the constitution and laws as they may find to exist, together with appropriate forms of bills to cure such defects and omissions in the laws. And the judges of the several circuit courts shall report to the next general assembly the number of days they have held court in the several counties composing their respective circuits, the preceding two years.—*Ill.* (1870), *Art.* 6.

Sec. 22. District judges may, at any time, report defects and omissions in the law to the supreme court, and the supreme court, on or before the first day of December of each year, shall report in writing to the governor any seeming defect or omission in the law.—*Utah* (1896), *Art.* 8.

Sec. 25. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court shall, on or before the first day of January in each year, report in writing to the governor such defects and omissions in the laws as they may believe to exist.—*Wash.* (1889), *Art.* 4.

MISCELLANEOUS PROVISIONS AS TO COURTS.

Sec. 14. No commission of oyer and terminer, or jail delivery, shall be issued.—*Del.* (1897), *Art.* 1.

Sec. 24. In civil causes, when pending, the superior court shall have the power, before judgment, of directing, upon such terms as it shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses who are aged, very infirm, or going out of the state, upon

interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the state.—*Del.* (1897), *Art.* 4.

Sec. 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the costs then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause, he shall not recover a greater sum than so paid into court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.—*Del.* (1897), *Art.* 4.

Sec. 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the general assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias thirty days before the return thereof shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.—*Del.* (1897), *Art.* 4.

Sec. 29. The prothonotary of the superior court may issue process, take recognizances of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the prothonotary of the county wherein the lands or tenements are situate.—*Del.* (1897), *Art.* 4.

Sec. 21. Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as prima facie evidence in the courts of this state without requiring proof of the execution. A certified copy of the record of any deed or mortgage that has been or shall be duly recorded according to law shall be admitted as prima facie evidence thereof, and of its due execution with like effect as the original duly proved: *Provided*, It be made to appear that the original is not within the custody or control of the party offering such copy.—*Fla.* (1885), *Art.* 16.

Sec. 27. The legislature shall appropriate at least five hundred dollars each year for the purchase of such books for the supreme court library as the court may direct.—*Fla.* (1885), *Art.* 16.

Sec. 32. The repeal or amendment of any criminal statute shall

not affect the prosecution or punishment of any crime committed before such repeal or amendment.—*Fla.* (1885), *Art.* 3.

Sec. 6. Par. 7. The court shall render judgment without the verdict of a jury in all civil cases founded on unconditional contracts in writing, where an issuable defense is not filed under oath or affirmation.—*Ga.* (1877), *Art.* 6.

Sec. 16. Par. 2. Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the superior court of either county shall have jurisdiction.—*Ga.* (1877), *Art.* 6.

Sec. 16. Par. 3. Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.—*Ga.* (1877), *Art.* 6.

Sec. 16. Par. 4. Suits against joint obligors, joint promissors, co-partners or joint trespassers, residing in different counties, may be tried in either county.—*Ga.* (1877), *Art.* 6.

Sec. 16. Par. 5. Suits against the maker and indorser of promissory notes, or drawer, acceptor and endorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.—*Ga.* (1877), *Art.* 6.

Sec. 16. Par. 6. All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the superior courts where the judge is satisfied that an impartial jury cannot be obtained in such county.—*Ga.* (1877), *Art.* 6.

Sec. 21. Par. 1. The costs in the supreme court shall not exceed ten dollars, unless otherwise provided by law. Plaintiffs in error shall not be required to pay costs in said court when the usual pauper oath is filed in the court below.—*Ga.* (1877), *Art.* 6.

Sec. 2. Par. 1. No court or ministerial officer in this state shall ever have jurisdiction or authority to enforce any judgment, execution or decree against the property set apart for such purpose, including such improvements as may be made thereon from time to time, except for taxes, for the purchase money of the same, for labor done thereon, for material furnished therefor, or for the removal of incumbrances thereon.—*Ga.* (1877), *Art.* 9.

Sec. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.—*Ind.* (1851), *Art.* 7.

Sec. 227. Judges of the county court, justices of the peace, sheriffs, coroners, surveyors, jailers, assessors, county attorneys and consta-

bles shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction, his office shall become vacant, but such officer shall have the right of appeal to the court of appeals.—*Ky.* (1891), *Sec.* 227.

Art. 91. The judges of all courts, whenever practicable, shall refer to the law by virtue of which every definite judgment is rendered, and in every case they shall adduce the reasons on which their judgment is founded. Service of citation shall not be waived, nor judgment confessed, by any document under private signature executed prior to the maturity of the obligation sued on.—*La.* (1898), *Art.* 91.

Art. 101. The judges of the courts of appeal shall have power to certify to the supreme court any question or proposition of law arising in any cause pending before them concerning which they desire the instruction of that court, for its proper decision; and thereupon the supreme court may either give its instruction on the question or proposition certified to it, which shall be binding upon the court of appeal in such case, or it may require that the whole record be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been on appeal directly to the supreme court. It shall be competent for the supreme court to require by certiorari, or otherwise, any case to be certified from the courts of appeal to it for its review and determination, with the same power and authority in the case, as if it had been carried directly by appeal to the said court: *Provided*, That the supreme court shall in no case exercise the power conferred on it by this article, unless the application be made to the court, or to one of the justices thereof, not later than thirty days after the decision of the court of appeal has been rendered and entered.—*La.* (1898), *Art.* 101.

Art. 102. No judgement shall be rendered by the courts of appeal without the concurrence of two judges. Whenever there shall be a disagreement in the courts of appeal above provided, the court shall appoint a district judge or a lawyer having the qualifications of a judge of the court to sit in the case, and in case of the recusation, absence, or disability, of one of the judges, the other judge shall select a judge or lawyer, as aforesaid, to sit in the case. In the court of appeal for the parish of Orleans, when two judges cannot concur for any reason, the court shall select a district judge, or judges, to sit in the case.—*La.* (1898), *Art.* 102.

Art. 123. The general assembly shall have power to vest in clerks of court authority to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus vested shall be specified and determined.—*La.* (1898), *Art.* 123.

Sec. 8. The parties to any cause may submit the same to the court for determination without the aid of a jury and in all suits or actions at law, issues from the orphans' court or from any court sitting in

equity, and in all cases of presentments or indictments for offences which are or may be punishable by death pending in any of the courts of law of this state having jurisdiction thereof, upon suggestion in writing under oath of either of the parties to said proceedings, that such party cannot have a fair and impartial trial in the court in which the same may be pending, the said court shall order and direct the record of proceedings in such suit or action, issue, presentment or indictment, to be transmitted to some other court having jurisdiction in such case, for trial; but in all other cases of presentment or indictment pending in any of the courts of law in this state having jurisdiction thereof, in addition to the suggestion in writing of either, of the parties to such presentment or indictment that such party cannot have a fair and impartial trial in the court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear to the court that such suggestion is true, or that there is reasonable ground for the same; and thereupon the said court shall order and direct the record of proceedings in such presentment or indictment to be transmitted to some other court having jurisdiction in such cases for trial; and such right of removal shall exist upon suggestion in cases when all the judges of said court may be disqualified, under the provisions of this constitution to sit in any case; and said court to which the record of proceedings in such suit or action, issue, presentment or indictment may be so transmitted, shall hear and determine the same in like manner as if such suit or action, issue, presentment or indictment had been originally instituted therein; and the general assembly shall make such modification of existing law as may be necessary to regulate and give force to this provision.—*Md.* (1867), (*Amdt.* 1875).

Sec. 22. Where any term is held, or trial conducted by less than the whole number of said circuit judges, upon the decision or determination of any point or question by the court, it shall be competent to the party against whom the ruling or decision is made, upon motion, to have the point or question reserved for the consideration of the three judges of the circuit, who shall constitute a court in banc for such purpose; and the motion for such reservation shall be entered of record during the sitting at which such decision may be made; and the several circuit courts shall regulate, by rules, the mode and manner of presenting such points or questions to the court in banc, and the decision of the said court in banc shall be the effective decision in the premises, and conclusive, as against the party at whose motion said points or questions were reserved; but such decision in banc shall not preclude the right of appeal or writ of error to the adverse party in those cases, civil or criminal, in which appeal or writ of error to the court of appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of appeals from judgments of justices of the peace, nor to criminal cases below the grade of felony, except when the punishment is confinement in the penitentiary; and this section shall be subject to such provisions as may hereafter be made by law.—*Md.* (1867), *Art.* 4.

Sec. 23. The judges of the respective circuit courts of this state,

and of the courts of Baltimore city, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.—*Md.* (1867), *Art.* 4.

Sec. 111. All lands comprising a single tract sold in pursuance of decree of court, or execution, shall be first offered in subdivisions not exceeding one hundred and sixty acres, or one-quarter section, and then offered as an entirety, and the price bid for the latter shall control only when it shall exceed the aggregate of the bids for the same in subdivisions as aforesaid; but the chancery court, in cases before it, may decree otherwise if deemed advisable to do so.—*Miss.* (1890), *Art.* 4.

Sec. 147. No judgment or decree in any chancery or circuit court rendered in a civil cause shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common law jurisdiction; but if the supreme court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the supreme court may remand it to that court, which, in its opinion, can best determine the controversy.—*Miss.* (1890), *Art.* 6.

Sec. 10. The state shall provide a suitable court room at the seat of government, in which the supreme court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the state library.—*Mo.* (1875), *Art.* 6.

Sec. 16. The legislature at its first session, and from time to time thereafter, shall provide by law that upon the institution of each civil action and other proceedings, and also upon the perfecting of an appeal in any civil action or proceeding in the several courts of record in this state, a special court fee or tax shall be advanced to the clerks of said courts, respectively, by the party or parties bringing such action or proceeding, or taking such appeal; and the money so paid in shall be accounted for by such clerks, and applied towards the payment of the compensation of the judges of said courts, as shall be directed by law.—*Nev.* (1864), *Art.* 6.

Sec. 21. A commission which shall consist of five members, shall be appointed by the governor, with the advice and consent of the senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the supreme court as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered, and en-

forced as the judgments of the supreme court, and at the expiration of the term of said commission all business undisposed of shall by it be certified to the supreme court, and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission and the commission shall have such other attendants, not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure. Any vacancy occurring in said commission, shall be filled by appointment of the governor, with the advice and consent of the senate, if the senate be in session; and if the senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the general assembly. The general assembly may, on application of the supreme court, duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment, in like manner, of a like commission with like powers, jurisdiction, and duties: *Provided*, With the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.—*Ohio* (1851), *Art. 4, Sec. 21*.

Sec. 15. No commission of oyer and terminer or jail delivery shall be issued.—*Pa.* (1873), *Art. 1*.

Sec. 17. It shall be the duty of the justices of the supreme court to file their decisions within sixty days from the last day of the court at which the cases were heard; and the duty of the judges of the circuit courts to file their decisions within sixty days from the rising of the last court of the circuit then being held.—*S. C.* (1895), *Art. 5*.

Sec. 20. Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof: *Provided*, That if, within said period of ninety days, a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.—*Wash.* (1889), *Art. 4*.

Sec. 20. No citizen of this state who aided or participated in the late war between the government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding, civil or criminal; nor shall his property be seized or sold under final process issued upon judgments or decrees heretofore rendered, or otherwise, because of any act done in accordance with the usages of civilized warfare in the prosecution of said war. The legislature shall provide, by general laws, for giving full force and effect to this section.—*W. Va.* (1872), *Art. 8*.

Sec. 18. The legislature shall impose a tax on all civil suits commenced, or prosecuted in the municipal, inferior, or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of judges.—*Wis.* (1848), *Art. 7, Sec. 18*.

JUDICIAL CIRCUITS; ADDITIONAL JUDGES AND SALARIES.

(78) Sec. 6. *The state shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated, and in the judicial circuit in which the county of St. Clair is or may be situated. And the circuit judge or judges of such circuits, in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the board of supervisors of said county. And the board of supervisors of each county in the upper peninsula, and in the counties of Bay, Washtenaw, Genesee, Ingham and Jackson, and the counties in the judicial circuit in which the county of Isabella is or may be situated, in the lower peninsula, is hereby authorized and empowered to give and to pay to the circuit judge of the judicial circuit to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors. This action as amended shall take effect from the time of its adoption.—Mich. (1850), Art. 6.*

Sec. 142. Except as otherwise authorized in this article, the state shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.—Ala. (1901), Art. 6.

Sec. 147. Any county having a population of twenty thousand or more, according to the next preceding Federal census, and also taxable property of three million five hundred thousand dollars or more in value, according to the next preceding assessment of property for state and county taxation, need not be included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the legislature shall include such county in a circuit and chancery division, or either embracing more than one county. No circuit or chancery division shall contain less than three counties, unless there be embraced therein a county having a population of twenty thousand or more, and taxable property of three million five hundred thousand dollars or more in value.—Ala. (1901), Art. 6.

Sec. 13. The state shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge shall be elected, who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.—Ark. (1874), Art. 7.

Sec. 17. The judges of the circuit courts shall be elected by the quali-

fied electors of the several circuits, and shall hold their offices for the term of four years.—*Ark.* (1874), *Art.* 7.

Sec. 12. The state shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one or more judges of the district court therein, as may be provided by law, whose terms of office shall be six years; the judges of the district courts may hold courts for each other, and shall do so when required by law, and the general assembly may, by law, provide for the selection or election of a suitable person to preside in the trial of causes in special cases.—*Colo.* (1876), *Art.* 6.

Sec. 8. There shall be seven circuit judges, who shall be appointed by the governor and confirmed by the senate, and who shall hold their office for six years. The state shall be divided into seven judicial circuits, and one judge shall be assigned to each circuit. Such judge shall hold at least two terms of his court in each county within his circuit every year, at such times and places as shall be prescribed by law, and may hold special terms. The governor may, in his discretion, order a temporary exchange of circuits by the respective judges, or order any judge to hold one or more terms or part of terms in any other circuit than that to which he is assigned. The judge shall reside in the circuit of which he is judge. Successors to the judges of the circuit courts in office at the ratification of this constitution shall be appointed and confirmed at the first session of the legislature after such ratification.—*Fla.* (1885), *Art.* 5.

Sec. 3. Par. 1. There shall be a judge of the superior court for each judicial circuit, whose term of office shall be four years, and until his successor is qualified. He may act in other circuits when authorized by law.—*Ga.* (1877), *Art.* 6.

Sec. 11. The state shall be divided into five judicial districts, for each of which a judge shall be chosen by the qualified electors thereof, whose term of office shall be four years. And there shall be held a district court in each county as may be prescribed by law; but the legislature may reduce or increase the number of districts, district judges, and district attorneys. This section shall not be construed to prevent the holding of special terms under such regulations as may be provided by law.—*Idaho* (1889), *Art.* 5.

Sec. 5. The present grand divisions shall be preserved, and be denominated southern, central and northern, until otherwise provided by law. The state shall be divided into seven districts for the election of judges, and, until otherwise provided by law, they shall be as follows: [Here follows a description of the districts.] The boundaries of the districts may be changed at the session of the general assembly next preceding the election for judges therein, and at no other time; but whenever such alterations shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration

of the districts shall not affect the tenure of office of any judge.—*Ill.* (1870), *Art.* 6.

Sec. 13. The state, exclusive of the county of Cook and other counties having a population of one hundred thousand, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every one hundred thousand of population of the state. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the general assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided*, That the circuits may be equalized or changed at the first session of the general assembly after the adoption of this constitution. The creation, alteration or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding fifty thousand, shall occupy nine months of the year, the general assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.—*Ill.* (1870), *Art.* 6.

Sec. 15. The general assembly may divide the state into judicial circuits of greater population and territory in lieu of the circuits provided for in section thirteen of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.—*Ill.* (1870), *Art.* 6.

Sec. 23. The county of Cook shall be one judicial circuit. The circuit court of Cook shall consist of five judges, until their number shall be increased as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued, and called the "superior court of Cook county." The general assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.—*Ill.* (1870), *Art.* 6.

Sec. 9. The state shall, from time to time, be divided into judicial circuits, and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.—*Ind.* (1851), *Art.* 7.

Sec. 5. The district court shall consist of a single judge, who shall be elected by the qualified electors of the district in which he resides. The judge of the district court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of judge of the supreme court, during the term for which he was elected.—*Iowa* (1857), *Art. 5*.

Amdt. 2. At any regular session of the general assembly, the state may be divided into the necessary judicial districts for district court purposes, or the said district may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.—*Iowa* (1857), *Amdt. 2*.

Sec. 5. The state shall be divided into five judicial districts, in each of which there shall be elected, by the electors thereof, a district judge, who shall hold his office for the term of four years. District courts shall be held at such times and places as may be provided by law.—*Kan.* (1859), *Art. 3*.

Sec. 125. A circuit court shall be established in each county now existing, or which may hereafter be created in this commonwealth.—*Ky.* (1891), *Sec. 125*.

Sec. 128. At its first session after the adoption of this constitution, the general assembly, having due regard to territory, business and population, shall divide the state into a sufficient number of judicial districts to carry into effect the provisions of this constitution concerning circuit courts. In making such apportionment no county shall be divided, and the number of said districts, excluding those in counties having a population of one hundred and fifty thousand, shall not exceed one district for each sixty thousand of the population of the entire state.—*Ky.* (1891), *Sec. 128*.

Sec. 137. Each county having a population of one hundred and fifty thousand or over, shall constitute a district, which shall be entitled to four judges. Additional judges for said district may, from time to time, be authorized by the general assembly, but not to exceed one judge for each increase for forty thousand of population in said county, to be ascertained by the last enumeration. Each of the judges in such a district shall hold a separate court, except when a general term may be held for the purpose of making rules of court, or as may be required by law: *Provided*, No general term shall have power to review any order, decision or proceeding of any branch of the court in said district made in separate term. There shall be one for such district who shall be known as the clerk of the circuit court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said court, and all other litigation in said district, of which the circuit court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the court made in general term or as may be prescribed by law.—*Ky.* (1891), *Sec. 137*.

Sec. 138. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district, and when its population reaches seventy-five thousand, the general assembly may provide that it shall have an additional judge for each additional fifty thousand population above one hundred thousand. And in such counties the general assembly shall, by proper laws, direct in what manner the court shall be held and the business therein conducted.—*Ky.* (1891), *Sec.* 138.

Art. 107. The state shall be divided into not less than twenty nor more than twenty-nine judicial districts, the parish of Orleans excepted.

Until otherwise provided by law, there shall be twenty-nine districts.—*La.* (1898), *Art.* 107.

Sec. 19. The state shall be divided into eight judicial districts, in manner following, viz: The counties of Worcester, Somerset, Dorchester and Wicomico, shall constitute the first circuit; the counties of Caroline, Talbot, Queen Anne's, Kent and Cecil, the second; the counties of Baltimore and Harford, the third; the counties of Allegany, Washington and Garrett, the fourth; the counties of Carroll, Howard and Anne Arundel, the fifth; the counties of Montgomery and Frederick, the sixth; the counties of Prince George's, Charles, Calvert and St. Mary's, the seventh, and Baltimore city, the eighth.—*Md.* (1867), *Art.* 4.

Sec. 4. The state shall be divided by the legislature into judicial district, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district, one or more judges, as the legislature may prescribe, shall be elected by the electors thereof, whose term of office shall be six years, and each of said judges shall severally have exercise the powers of the court, under such limitations as may be prescribed by law. Every district judge shall, at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office. In case any court of common pleas heretofore established shall be abolished, the judge of said court may be constituted by the legislature one of the judges of the district court of the district wherein such court has been so established for a period not exceeding the unexpired term for which he was elected.—*Minn.* (1857), *Art.* 6 (*Amdt.* 1875).

Sec. 28. In any circuit composed of a single county, the general assembly may, from time to time, provide for one or more additional judges, as the business shall require; each of whom shall separately try cases and perform all other duties imposed upon circuit judges.—*Mo.* (1875), *Art.* 6.

Sec. 152. The legislature shall divide the state into convenient circuit and chancery court districts.—*Miss.* (1890), *Art.* 6.

Sec. 12. The state shall be divided into judicial districts, in each of which there shall be elected by the electors thereof one judge of the district court, whose term of office shall be four years, except that the

district judges first elected shall hold their offices only until the general election in the year one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified. Any judge of the district court may hold court for any other district judge, and shall do so when required by law.—*Mont.* (1889), *Art.* 8.

Sec. 10. The state shall be divided into six judicial districts, in each of which shall be elected, by the electors thereof, one judge who shall be judge of this district court therein, and whose term of office shall be four years. Until otherwise provided by law, said districts shall be as follows: [Here follows a description of the district.]—*Neb.* (1875), *Art.* 6.

Sec. 5. The state is hereby divided into nine judicial districts, of which the county of Storey shall constitute the first; the county of Ormsby the second; the county of Lyon the third; the county of Washoe the fourth; the counties of Nye and Churchill the fifth; the county of Humboldt the sixth; the county of Lander the seventh; the county of Douglas the eighth, and the county of Esmeralda the ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes, until otherwise provided by law. The legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the office. At the first general election under this constitution, there shall be elected in each of the respective districts (except as in this section hereafter otherwise provided) one district judge, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and until the first Monday of January, in the year eighteen hundred and sixty-seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the first district, as in this section hereinafter provided). The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of four years (excepting those elected at said first election) from and including the first Monday in January next succeeding their election and qualification: *Provided*, That the first judicial district shall be entitled to, and shall have, three district judges, who shall possess coextensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed in relation to the judges in other judicial districts. An one of said judges may preside on the empaneling of grand juries, and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.—*Nev.* (1864), *Art.* 6.

2. The circuit courts shall be held in every county in this state, by one or more of the justices of the supreme court, or a judge appointed for that purpose, and shall, in all cases within the county except in those of a criminal nature, have common law jurisdiction, concurrent with the

supreme court; and any final judgment of a circuit court may be docketed in the supreme court, and shall operate as a judgment obtained in the supreme court from the time of such docketing.—*N. J.* (1844), *Art. 6, Sec. 5, Cl. 2.*

Sec. 10. The state shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a superior court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the general assembly may reduce or increase the number of districts.—*N. C.* (1875), *Art. 4.*

Sec. 104. The state shall be divided into six judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose term of office shall be four years from the first Monday in January succeeding his election and until his successor is duly qualified. This section shall not be construed as governing the first election of district judges under this constitution.—*N. Dak.* (1889), *Art. 4.*

Sec. 3. The state shall be divided into nine common pleas districts, of which the county of Hamilton shall constitute one of compact territory, and bounded by county lines; and each of said districts, consisting of three or more counties, shall be subdivided into three parts, of compact territory, bounded by county lines, and as nearly equal in population as practicable; in each of which, one judge of the court of common pleas for said district, and residing therein, shall be elected by the electors of said subdivision. Courts of common pleas shall be held, by one or more of these judges, in every county in the district, as often as may be provided by law; and more than one court, or sitting thereof, may be held at the same time in each district.—*Ohio* (1851), *Art. 4.*

Sec. 9. Until otherwise provided by law, the state shall be divided into twenty-one judicial districts, and the qualified electors in each of the said districts shall elect a judge of the district court as provided herein, except in the thirteenth judicial district two judges shall be elected. Such judge shall be a citizen of the United States, and shall have been a resident of the territory embraced within the state for two years, and of the territory comprising his district at least one year, prior to his election; and he shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or both such lawyer and judge, for four years next preceding his election, and shall reside in his district during his term of office. The term of office of the district judge shall be four years, and at the time of his election he shall have reached the age of twenty-five years. Regular terms of the district court shall be held in each organized county of this state at least twice in each year. The time of convening the district court in each county in this state, until the legislature shall otherwise provide, and the duration of the term, shall be fixed by the supreme court of the state. The term of the district judges elected at the first election shall expire on the last day next preceding the second Monday in January, nineteen hundred and eleven, and the judges of the district court thereafter shall

be elected at the general election next preceding the commencement of their terms of office.

In case of the illness of the judge elected in any district, or if for any other cause he shall be unable to preside in the district in which he was elected, the chief justice may designate any district judge in the state to hold any term of court in said district in lieu of the judge elected to hold the courts of said district. Whenever the public business shall require it, the chief justice may appoint any district judge of the state to hold court in any district, and two or more district judges may sit in any district separately at the same time. In the event any judge shall be disqualified for any reason from trying any case in his district, the parties to such case may agree upon a judge pro tempore to try the same, and if such parties cannot agree, at the request of either party a judge pro tempore may be elected by the members of the bar of the district, present at such term. If no election for judge pro tempore shall be had, the chief justice of the state shall designate some other district judge to try such case.—*Okla.* (1907), *Art.* 7.

Sec. 22. The state is hereby divided into five supreme court judicial districts, numbered respectively, one to five, inclusive, and is subdivided into twenty-one district court judicial districts, numbered respectively, one to twenty-one, inclusive; and all such judicial districts shall be and remain until changed as provided in this constitution.—*Okla.* (1907), *Art.* 7.

Sec. 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district and shall elect one judge learned in the law; and the general assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the general assembly may provide. The office of associate judge, not learned in the law is abolished in counties forming separate districts; but the several associate judges in office when this constitution shall be adopted shall serve for their unexpired terms.—*Pa.* (1873), *Art.* 5.

Sec. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and, within their respective districts, shall be justices of the peace as to criminal matters.—*Pa.* (1873), *Art.* 5.

Sec. 13. The state shall be divided into as many judicial circuits as the general assembly may prescribe, and for each circuit a judge shall be elected by joint viva voce vote of the general assembly, who shall hold his office for the term of four years; and at the time of his election he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge. The present judges of the circuit courts shall continue in office until the expiration of the terms for which they were elected, and, should a new division of the judicial

circuits be made, shall be the judges of the respective circuits in which they shall reside after said division.—*S. C. (1895), Art. 5.*

Sec. 13. The general assembly may at any time arrange the various counties into judicial circuits, and into congressional districts, including the county of Saluda, as it may deem wise and proper, and may establish or alter the location of voting precincts in any county.—*S. C. (1895), Art. 7.*

Sec. 15. The state shall be divided into judicial circuits, in each of which there shall be elected by the electors thereof one judge of the circuit court therein, whose term of office shall be four years.—*S. D. (1889), Art. 5.*

Sec. 6. The legislature shall, as soon as practicable after the adoption of this amendment, divide the state into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a court of civil appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the supreme court. Said court of civil appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law: *Provided*, That the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Each of said courts of civil appeals shall hold its sessions at a place in its district to be designated by the legislature, and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each court of civil appeals shall appoint a clerk, in the same manner as the clerk of the supreme court, which clerk shall receive such compensation as may be fixed by law. Until the organization of the courts of civil appeals and criminal appeals, as herein provided for, the jurisdiction, power, and organization and location of the supreme court, the court of appeals, and the commission of appeals shall continue as they were before the adoption of this amendment. All civil cases which may be pending in the court of appeals shall, as soon as practicable after the organization of the courts of civil appeals, be certified to and the records thereof transmitted to the proper courts of civil appeals, to be decided by said courts. At the first session of the supreme court, the court of criminal appeals, and such of the courts of civil appeals which may be hereafter created under this article after the first election of the judges of such courts under this amendment, the terms of office of the judges of each court shall be divided into three classes, and the justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw

class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified; and thereafter each of the said judges shall hold his office for six years, as provided in this constitution.—*Tex.* (1875), *Art. 5 (Amdt.)*.

Sec. 7. The state shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this state, who shall have been a practicing lawyer of this state or a judge of a court in this state for four years next preceding his election; who shall have resided in the district in which he was elected for two years next preceding his election; who shall reside in his district during his term of office; who shall hold his office for the period of four years, and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise changed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The legislature shall have power by general or special laws to authorize the holding of special terms of the court, or the holding of more than two terms in any county for the dispatch of business. The legislature shall also provide for the holding of district court when the judge thereof is absent, or is from any cause disabled or disqualified from presiding. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.—*Tex.* (1875), *Art. 5 (Amdt.)*.

Sec. 5. The state shall be divided into seven judicial districts, for each of which, at least one, and not exceeding three judges, shall be chosen by the qualified electors thereof. The term of office of the district judges shall be four years. Except that the district judges elected at the first election shall serve until the first Monday in January, A. D. 1901, and until their successors shall have qualified. Until otherwise provided by law, a district court at the county seat of each county shall be held at least four times a year. All civil and criminal business arising in any county, must be tried in such county, unless a change of venue be taken, in such cases as may be provided by law. Each judge of a district court shall be at least twenty-five years of age, a member of the bar, learned in the law, a resident of the territory or state of Utah three years next preceding his election, and shall reside in the district for which he shall be elected. Any district judge may hold a district court in any county at the request of the judge of the district, and upon a request of the governor, it shall be his duty to do so. Any cause in the district court may be tried by a judge pro tempore, who must be a member of the bar, sworn to try the cause, and agreed upon by the parties, or their attorneys of record.—*Utah* (1896), *Art. 8*.

Sec. 94. The state shall be divided into twenty-four judicial circuits, as follows: [Here follows a description of the circuits.]

Sec. 96. For each circuit a judge shall be chosen by the joint vote of

the two houses of the general assembly. He shall, when chosen, possess the same qualifications as judges of the supreme court of appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this constitution, the general assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively; and thereafter they shall be elected for terms of eight years.—*Va. (1902), Art. 6.*

Sec. 5. There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: *Provided*, That until otherwise directed by the legislature one judge only shall be elected for the counties of Spokane and Stevens, one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas, and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield, and Asotin; one judge for the counties of Kittitas, Yakima, and Klickitat; one judge for the counties of Clark, Skamania, Pacific, Cowlitz, and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason, and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan, and Clallam; and one judge for the counties of Whatcom, Skagit, and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein, or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judgments decrees, orders, and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judges of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.—*Wash. (1889), Art. 4.*

Sec. 10. The state shall be divided into thirteen [now eighteen] cir-

cuits. For the circuit hereinafter called the first, two judges shall be elected, and for each of the other circuits one judge shall be elected by the voters thereof. Each of the judges so elected shall hold his office for the term of eight years unless sooner removed in the manner prescribed in this constitution. The judges of the circuit courts in office when this article takes effect shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals. During his continuance in office the judge of a circuit court shall reside in the circuit of which he is judge. The business of the first circuit may be apportioned between the judges thereof, and such judges may hold courts in the same county or in different counties within the circuit at the same time or at different times as may be prescribed by law.—*W. Va.* (1872), *Art.* 8.

Sec. 5. The state shall be divided into five judicial circuits, to be composed as follows: The first circuit shall comprise the counties of Racine, Walworth, Rock and Green; the second circuit, the counties of Milwaukee, Waukesha, Jefferson and Dane; the third circuit, the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage; the fourth circuit, the counties of Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago and Calumet; and the fifth circuit shall comprise the counties of Iowa, La Fayette, Grant, Crawford and St. Croix; and the county of Richland shall be attached to Iowa, the county of Chippewa to the county of Crawford, and the county of La Pointe to the county of St. Croix for judicial purposes until otherwise provided by the legislature.—*Wis.* (1848), *Art.* 7.

Sec. 19. Until otherwise provided by law, the state shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose term shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.—*Wyo.* (1889), *Art.* 5.

ALTERATION OF CIRCUITS.

(79) Sec. 7. *The legislature may alter the limits of circuits or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established the judge shall be elected by the electors of such circuit and his term of office shall continue, as provided in this constitution for judges of the circuit court.*—*Mich.* (1850), *Art.* 6.

Sec. 10. The state shall be divided into eleven judicial districts; and after the year eighteen hundred and sixty, the general assembly may reorganize the judicial districts, and increase or diminish the number of districts, or the number of judges of the said court, and may increase the number of judges of the supreme court, but such increase

or diminution shall not be more than one district, or one judge of either court, at any one session; and no reorganization of the districts, or diminution of the judges, shall have the effect of removing a judge from office. Such reorganization of the districts, or any change in the boundaries thereof, or any increase or diminution of the number of judges, shall take place every four years thereafter, if necessary, and at no other time. [Amendment.] At any regular session of the general assembly, the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.—*Iowa* (1857), *Art. 5* (*Amdt.* 1889).

Sec. 14. Provision may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each house shall concur. Said districts shall be formed of compact territory and bounded by county lines, and such increase shall not vacate the office of any judges.—*Kan.* (1859), *Art. 3*.

Sec. 132. The general assembly, when deemed necessary, may establish additional districts; but the whole number of districts, exclusive of counties having a population of one hundred and fifty thousand, shall not exceed at any time one for every sixty thousand of population of the state according to the last enumeration.—*Ky.* (1891), *Sec. 132*.

Sec. 134. The judicial districts of the state shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.—*Ky.* (1891), *Sec. 134*.

Sec. 12. The legislature may at any time change the number of judicial districts or their boundaries, when it shall be deemed expedient; but no such change shall vacate the office of any judge.—*Minn.* (1857), *Art. 6*.

Sec. 24. The state, except as otherwise provided in this constitution, shall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected; and such circuits may be changed, enlarged, diminished or abolished, from time to time, as public convenience may require; and whenever a circuit shall be abolished, the office of the judge of such circuit shall cease.—*Mo.* (1875), *Art. 6*.

Sec. 14. The legislative assembly may increase or decrease the number of judges in any judicial district: *Provided*, That there shall be at least one judge in any district established by law; and may divide the state, or any part of thereof, into new districts: *Provided*, That each be formed of compact territory and be bounded by county lines, but no changes in the number or boundaries of districts shall work a removal of any judge from office during the term for which he has been elected or appointed.—*Mont.* (1889), *Art. 8*.

Sec. 11. The legislature, whenever two-thirds of the members elected to each house shall concur therein, may in, or after the year one thousand eight hundred and eighty, and not oftener than once in every four years, increase the number of judges of the district courts and the judicial districts of the state. Such districts shall be formed of compact territory, and bounded by county lines; and such increase, or any change in the boundaries of a district, shall not vacate the office of any judge.—*Neb.* (1875), *Art.* 6.

Sec. 106. The legislative assembly may whenever two-thirds of the members of each house shall concur therein, but not oftener than once in four years increase the number of said judicial districts and the judges thereof; such districts shall be formed from compact territory and bounded by county lines, but such increase or change in the boundaries of the districts shall not work the removal of any judge from his office during the term for which he may have been elected or appointed.—*N. Dak.* (1889), *Art.* 4.

Sec. 15. The general assembly may increase, or diminish, the number of the judges of the supreme court, the number of the districts of the court of common pleas, the number of judges in any district, change the districts, or the subdivisions thereof, or establish other courts, whenever two-thirds of the members elected to each house shall concur therein; but no such change, addition or diminution, shall vacate the office of any judge.—*Ohio* (1851), *Art.* 4.

Sec. 17. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the state into judicial circuits accordingly, taking care that they be formed of compact territory and be bounded by county lines but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.—*S. D.* (1889), *Art.* 5.

Sec. 6. The legislature may change the limits of any judicial district, or increase or decrease the number of districts, or the judges thereof. No alteration or increase shall have the effect of removing a judge from office. In every additional district established, a judge shall be elected by the electors thereof, and his term of office shall continue as provided in section five of this article.—*Utah* (1896), *Art.* 8.

Sec. 95. After the first day of January, nineteen hundred and six, as the public interest requires, the general assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below forty thousand according to such census.—*Va.* (1902), *Art.* 6.

Sec. 14. The legislature may rearrange the circuits herein provided

for at any session thereof, next preceding any general election of the judges of said circuits, and after the year one thousand eight hundred and eighty-eight, may, at any such session, increase or diminish the number thereof.—*W. Va.* (1872), *Art.* 8.

Sec. 6. The legislature may alter the limits, or increase the number of circuits, making them as compact and convenient as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the judge or judges shall be elected as provided in this constitution and receive a salary not less than herein provided for the judges of the circuit court.—*Wis.* (1848), *Art.* 7.

Sec. 21. The legislature may from time to time increase the number of said judicial districts and the judges thereof, but such increase or change in the boundaries of the district shall not work the removal of any judge from his office during the term for which he may have been elected or appointed: *Provided*, The number of districts and district judges shall not exceed four until the taxable valuation of property in the state shall exceed one hundred million dollars (\$100,000,000).—*Wyo.* (1889), *Art.* 5.

JURISDICTION OF CIRCUIT COURTS.

(80) Sec. 8. *The circuit court shall have original jurisdiction in all matters civil and criminal not excepted in this constitution, and not prohibited by law, and appellate jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and other writs necessary to carry into effect their orders, judgments and decrees, and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.*—*Mich.* (1850), *Art.* 6.

Sec. 143. The circuit court shall have original jurisdiction in all matters civil and criminal within the state not otherwise excepted in this constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have no original jurisdiction except where the matter or sum in controversy exceeds fifty dollars.—*Ala.* (1901), *Art.* 6.

Sec. 148. The legislature may confer upon the circuit court or the chancery court the jurisdiction of both of said courts. In counties having two or more courts of record, the legislature may provide for the consolidation of all or any such courts of record, except the probate court, with or without separate divisions, and a sufficient number of judges for the transaction of the business of such consolidated court.—*Ala.* (1901), *Art.* 6.

Sec. 11. The circuit courts shall have jurisdiction in all civil and

criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this constitution.—*Ark.* (1874), *Art.* 7.

Sec. 14. The circuit courts shall exercise a superintending control and appellate jurisdiction over county, probate, court of common pleas and corporation courts and justices of the peace, and shall have power to issue, hear and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the judge of the appropriate court in vacation.—*Ark.* (1874), *Art.* 7.

Sec. 15. Until the general assembly shall deem it expedient to establish courts of chancery the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the supreme court, in such manner as may be prescribed by law.—*Ark.* (1874), *Art.* 7.

Sec. 5. The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and the process shall extend to all parts of the state: *Provided*, That all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.—*Cal.* (1880), *Art.* 6, *Sec.* 5.

Sec. 6. There shall be in each of the organized counties, or cities and counties, of the state, a superior court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general state election: *Provided*, That until otherwise ordered by the legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the city and county of San Francisco there shall be elected twelve judges of the superior court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose from their own number, a presiding judge, who may be re-

moved at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the superior court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda, there shall be elected two such judges. The term of office of judges of the superior courts shall be six years from and after the first Monday of January next succeeding their election: *Provided*, That the twelve judges of the superior court elected in the city and county of San Francisco, at the first election held under this constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the secretary of state. The first election of judges of the superior courts shall take place at the first general election held after the adoption and ratification of this constitution. If a vacancy occur in the office of judge of a superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.—*Cal.* (1880), *Art.* 6.

Sec. 11. The district court shall have original jurisdiction of all causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people, concerning the rights, duties and liabilities of railroad, telegraph or toll-road companies or corporations.—*Colo.* (1876), *Art.* 6.

Sec. 8. The court of general sessions shall have all the jurisdiction and powers vested by the laws of this state in the court of general sessions of the peace and jail delivery.—*Dcl.* (1897), *Art.* 4.

Sec. 9. The court of oyer and terminer shall have all the jurisdiction and powers vested by the laws of this state in the court of oyer and terminer.—*Dcl.* (1897), *Art.* 4.

Sec. 19. The jurisdiction of each of the aforesaid courts shall be co-extensive with the state. Process may be issued out of each court, in either county, into every county. No costs shall be awarded against any party to a cause by reason of the fact that suit is brought in a county other than that in which the defendant or defendants may reside at the time of bringing suit.—*Dcl.* (1897), *Art.* 4.

Sec. 20. The general assembly, notwithstanding anything contained in this article, shall have power to repeal or alter any act of the general assembly, giving jurisdiction to the court of oyer and terminer, the superior court, the court of general sessions of the peace and jail de-

livery, the orphans' court or the court of chancery, in any matter, or giving any power to either of the said courts. The general assembly shall also have power to confer upon the courts of oyer and terminer, the superior court, the court of general sessions, the orphans' court and the court of chancery jurisdiction and powers in addition to those hereinbefore mentioned. Until the general assembly shall otherwise direct, there shall be an appeal to the supreme court in all cases in which there is an appeal, according to any act of the general assembly, to the court of errors and appeals.—*Del.* (1897), *Art.* 4.

Sec. 7. The superior court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this state in the superior court.—*Del.* (1897), *Art.* 4.

Sec. 11. The circuit courts shall have exclusive original jurisdiction in all cases in equity, also in all cases at law, not cognizable by inferior courts, and in all cases involving the legality of any tax, assessment, or toll; of the action of ejectment and of all actions involving the titles or boundaries of real estate, and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the county court, or before the county judge, of all misdemeanors tried in criminal courts, of judgments or sentences of any mayor's court, and of all cases arising before justices of the peace in counties in which there is no county court; and supervision and appellate jurisdiction of matters arising before county judges pertaining to their probate jurisdiction, or to the estates and interests of minors, and of such other matters as the legislature may provide. The circuit courts and judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.—*Fla.* (1885), *Art.* 5.

Sec. 12. The circuit courts and circuit judges may have such extra territorial jurisdiction in chancery cases as may be prescribed by law.—*Fla.* (1885), *Art.* 5.

Sec. 4. Par. 1. The superior courts shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or confinement in the penitentiary; in cases respecting titles to land, and equity cases.—*Ga.* (1877), *Art.* 6.

Sec. 4. Par. 2. The general assembly may confer upon the courts of common law all the powers heretofore exercised by courts of equity in this state.—*Ga.* (1877), *Art.* 6.

Sec. 4. Par. 3. Said courts shall have jurisdiction in all civil cases, except as hereinafter provided.—*Ga.* (1877), *Art.* 6.

Sec. 4. Par. 4. They shall have appellate jurisdiction in all such cases as may be provided by law.—*Ga.* (1877), *Art.* 6.

Sec. 4. Par. 5. They shall have power to correct errors in inferior judicatories by writ of certiorari, which shall only issue on the sanction of the judge; and said courts and the judges thereof shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are or may be conferred on them by law.—*Ga.* (1877), *Art.* 6.

Sec. 20. The district court shall have original jurisdiction in all cases, both at law and in equity, and such appellate jurisdiction as may be conferred by law.—*Idaho* (1889), *Art.* 5.

Sec. 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.—*Ill.* (1870), *Art.* 6.

Sec. 8. The circuit courts shall each consist of one judge, and shall have such civil and criminal jurisdiction as may be prescribed by law.—*Ind.* (1851), *Art.* 7.

Sec. 6. The district court shall be a court of law and equity which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law.—*Iowa* (1857), *Art.* 5.

Sec. 6. The district courts shall have such jurisdiction in their respective districts as may be provided by law.—*Kan.* (1859), *Art.* 3.

Sec. 16. The several justices and judges of the courts of record in this state, shall have jurisdiction at chambers as may be provided by law.—*Kan.* (1859), *Art.* 3.

Sec. 126. The jurisdiction of said court shall be and remain as now established, hereby giving to the general assembly the power to change it.—*Ky.* (1891), *Sec.* 126.

Art. 109. The district courts, except in the parish of Orleans, shall have original jurisdiction in all civil matters where the amount in dispute shall exceed fifty dollars, exclusive of interest, and in all cases where title to real estate is involved, or to office, or other public position, or civil or political rights, and all other cases where no specific amount is in contest, except as otherwise provided in this constitution. They shall have unlimited and exclusive original jurisdiction in all criminal cases, except such as may be vested in other courts authorized by this constitution; and in all probate and succession matters, and where a succession is a party defendant; and in all cases where the state, parish, any municipality or other political corporation, is a party de-

fendant, regardless of the amount in dispute; and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships; and said courts shall have authority to issue all such writs, process and orders as may be necessary or proper for the purposes of the jurisdiction herein conferred upon them. There shall be one district judge in each judicial district, except in the twenty-first judicial district, where, until otherwise provided by law, there shall be two district judges, who shall not be residents of the same parish. District judges shall be elected by a plurality of the qualified voters of their respective districts, in which they shall have been actual residents for two years next preceding their election: *Provided*, One year's residence only in the district shall be required for the first election under this constitution. They shall be learned in the law, and shall have practiced law in the state five years previous to their election.

The first district judges under this constitution shall be elected at the general state election in 1900, and shall hold office until their successors are elected at the election on the Tuesday after the first Monday in November, 1904, at which time, and every four years thereafter, district judges shall be elected for terms of four years.

Vacancies occasioned by death, resignation, or otherwise, shall be filled for the unexpired term by appointment by the governor, with the advice and consent of the senate.—*La.* (1898), *Art.* 109.

Art. 111. The district courts shall have jurisdiction of appeals from justices of the peace in all civil matters, regardless of the amount in dispute, and from all orders requiring a peace bond. Persons sentenced to a fine or imprisonment, by mayors or recorders, shall be entitled to an appeal to the district court of the parish, upon giving security for fine and costs of court, and in such cases trial shall be *de novo* and without juries.—*La.* (1898), *Art.* 111.

Sec. 20. A court shall be held in each county of the state, to be styled the circuit court for the county in which it may be held. The said circuit courts shall have and exercise, in the respective counties, all the power, authority and jurisdiction, original and appellate, which the present circuit courts of this state now have and exercise, or which may hereafter be prescribed by law.—*Md.* (1867), *Art.* 4.

Sec. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of judge of any other district not his own, when convenience or the public interest may require it.—*Minn.* (1857), *Art.* 6.

Sec. 156. The circuit court shall have original jurisdiction in all matters civil and criminal in this state not vested by this constitution in some other court, and such appellate jurisdiction as shall be prescribed by law.—*Miss.* (1890), *Art.* 6.

Sec. 157. All causes that may be brought in the circuit court whereof the chancery court has exclusive jurisdiction shall be transferred to the chancery court.—*Miss.* (1890), *Art.* 6.

Sec. 22. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law; exclusive original jurisdiction in all civil cases not otherwise provided for; and such concurrent jurisdiction and appellate jurisdiction from inferior tribunals and justices of the peace as is or may be provided by law. It shall hold its terms at such times and places in each county as may be by law directed; but at least two terms shall be held every year in each county.—*Mo.* (1875), *Art.* 6.

Sec. 23. The circuit court shall exercise a superintending control over criminal courts, probate courts, county courts, municipal corporation courts, justices of the peace, and all inferior tribunals in each county in their respective circuits.—*Mo.* (1875), *Art.* 6.

Sec. 11. The district court shall have original jurisdiction in all cases at law and in equity, including all cases which involve the title or right of possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all cases in which the debt, damage, claim or demand, exclusive of interest, or the value of the property in controversy exceeds fifty dollars; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and unlawful detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of actions of divorce and for annulment of marriage, and for all such special actions and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor, in all cases where they are authorized so to do by the laws of the United States. They shall have appellate jurisdiction in such cases arising in justices and other inferior courts in their respective districts as may be prescribed by law, and consistent with this constitution. Their process shall extend to all parts of the state, provided that all actions for the recovery of, the possession of, quieting the title to, or for the enforcement of liens upon real property, shall be commenced in the county in which the real property, or any part thereof, affected by such action or actions, is situated. Said courts and the judges thereof shall have power also to issue, hear and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction and other original and remedial writs, and also all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and non-judicial days.—*Mont.* (1889), *Art.* 8.

Sec. 9. The district courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the legislature may provide and the judges thereof may admit persons charged with felony to a plea of guilty and pass such sentence as may be prescribed by law.—*Neb.* (1875), *Art.* 6.

Sec. 23. The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.—*Neb.* (1875), *Art.* 6.

Sec. 6. The district courts in the several judicial districts of this state shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or the right of possession, to, or the possession of, real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also, in all cases relating to the estates of deceased persons, and the persons and estates of minors and insane persons, and of the action of forcible entry and unlawful detainer; and also in all criminal cases not otherwise provided for by law; they shall also have final appellate jurisdiction in cases arising in justices courts, and such other inferior tribunals as may be established by law. The district courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction; and also shall have power to issue writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts.—*Nev.* (1864), *Art.* 6.

10. The legislature may vest in the circuit courts, or courts of common pleas within the several counties of this state, chancery powers, so far as relates to the foreclosure of mortgages and sale of mortgaged premises.—*N. J.* (1844), *Art.* 4, *Sec.* 7, *Cl.* 10.

Sec. 103. The district courts shall have original jurisdiction, except as otherwise provided in this constitution, of all causes both at law and equity, and such appellate jurisdiction as may be conferred by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.—*N. Dak.* (1889), *Art.* 4.

Sec. 4. The jurisdiction of the courts of common pleas, and of the judges thereof shall be fixed by law.—*Ohio* (1851), *Art.* 4.

Sec. 6. The circuit court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law. Such courts shall be composed of such number of judges as may be provided by law, and shall be held in each county at least once in each year. The number of circuits and the boundaries thereof, shall be prescribed by law. Such judges shall be elected in each circuit by the electors thereof, and at such time and for such term as may be prescribed by law, and the same number shall be elected in each circuit. Each judge shall be competent to exercise his judicial powers in any circuit. The general assembly may change, from time to time, the number of boundaries of the circuits. The circuits shall be the successors of the district courts, and all cases, judgments, records, and proceedings pending in said district courts, in the several counties of

any district, shall be transferred to the circuit courts in the several counties, and be proceeded in as though said district courts had not been abolished, and the district courts shall continue in existence until the election and qualification of the judges of the circuit courts. [As amended October 9, 1883; 80 v. 382.]—*Ohio* (1851), *Art.* 4.

Sec. 18. The several judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.—*Ohio* (1851), *Art.* 4.

Sec. 10. The district courts shall have original jurisdiction in all cases, civil and criminal, except where exclusive jurisdiction is by this constitution, or by law, conferred on some other court, and such appellate jurisdiction as may be provided in this constitution, or by law. The district courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and other writs, remedial or otherwise, necessary or proper to carry into effect their orders, judgments, or decrees. The district courts shall also have the power of naturalization in accordance with the laws of the United States.—*Okl.* (1907), *Art.* 7.

Sec. 9. All judicial power, authority and jurisdiction not vested by this constitution, or by laws consistent therewith exclusively in some other court, shall belong to the circuit courts; and they shall have appellate jurisdiction and supervisory control over the county courts, and all other inferior courts, officers and tribunals.—*Ore.* (1857), *Art.* 7.

Sec. 6. In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this constitution or by law, shall be, in Philadelphia, vested in four, and in Allegheny two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; and said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court to which any suit shall be thus assigned shall have exclusive jurisdiction thereof, subject to change of venue as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein,

subject to change of venue, as may be provided by law.—*Pa.* (1873), *Art.* 5.

Sec. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn, detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties in such manner as may be directed by law.—*Pa.* (1873), *Art.* 5.

Sec. 10. The judges of the courts of common pleas, within their respective counties shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them and right and justice to be done.—*Pa.* (1873), *Art.* 5.

Sec. 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this commonwealth or as may hereafter be conferred upon them by law.—*Pa.* (1873), *Art.* 5.

Sec. 15. The courts of common pleas shall have original jurisdiction, subject to appeal to the supreme court, to issue writs or orders of injunction, mandamus, habeas corpus, and such other writs as may be necessary to carry their powers into full effect. They shall have jurisdiction in all civil cases. They shall have appellate jurisdiction in all cases within the jurisdiction of inferior courts, except from such inferior courts from which the general assembly shall provide an appeal directly to the supreme court.—*S. C.* (1895), *Art.* 5.

Sec. 18. The court of general sessions shall have jurisdiction in all criminal cases except those cases in which exclusive jurisdiction shall be given to inferior courts, and in these it shall have appellate jurisdiction. It shall also have concurrent jurisdiction with, as well as appellate jurisdiction from, the inferior courts in all cases of riot, assault and battery, and larceny. It shall sit in each county in the state at least twice in each year at such stated times and places as the general assembly may direct.—*S. C.* (1895), *Art.* 5.

Sec. 33. Circuit courts and all courts inferior thereto and municipal courts shall have the power, in their discretion, to impose sentence of labor upon highways, streets and other public works upon persons by them sentenced to imprisonment.—*S. C.* (1895), *Art.* 5.

Sec. 14. The circuit court shall have original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with this constitution; such jurisdiction as to value and amount and grade of offense may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, mandamus, quo war-

ranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.—*S. D.* (1889), *Art.* 5.

Sec. 8. The jurisdiction of the circuit, chancery, and other inferior courts shall be as now established by law, until changed by the legislature.—*Tenn.* (1870), *Art.* 6.

Sec. 8. The district court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the state to recover penalties, forfeitures, and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration, or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints, or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction, and certiorari, and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control in probate matters over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians, and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners' court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this constitution, and such other jurisdiction, original and appellate, as may be provided by law.—*Tex.* (1875), *Art.* 5 (*Amdt.*).

Sec. 7. The district court shall have original jurisdiction in all matters civil and criminal, not excepted in this constitution, and not prohibited by law; appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. The district courts or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition and other writs necessary to carry into effect their orders, judgments and decrees, and to give them a general control over inferior courts and tribunals within their respective jurisdictions.—*Utah* (1896), *Art.* 8.

Sec. 6. The superior court shall have original jurisdiction in all cases in equity, and in all cases of law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in

all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.—*Wash.* (1889), *Art.* 4.

Sec. 12. The circuit court shall have the supervision and control of all proceedings before justices and other inferior tribunals, by mandamus, prohibition and certiorari. They shall, except in cases confined exclusively by this constitution to some other tribunal, have original and general jurisdiction of all matters at law where the amount in controversy, exclusive of interest, exceeds fifty dollars; of all cases of habeas corpus, mandamus, quo warranto and prohibition; and of all cases in equity, and of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error or supersedeas may be allowed to the judgment or proceedings of any inferior tribunal. They shall also have such other jurisdiction, whether supervisory, original, appellate or concurrent, as is or may be prescribed by law.—*W. Va.* (1872), *Art.* 8.

Sec. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal within this state, not excepted in this constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and jurisdictions.—*Wis.* (1848), *Art.* 7.

Sec. 10. The district court shall have original jurisdiction of all causes at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The district court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising

in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.—*Wyo.* (1889), *Art.* 5.

PUNISHMENT OF CONTEMPTS.

Sec. 26. The general assembly shall have power to regulate by law the punishment of contempts not committed in the presence or hearing of the courts, or in disobedience of process.—*Ark.* (1874), *Art.* 7.

Sec. 1. Par. 20. The power of the courts to punish for contempts shall be limited by legislative acts.—*Ga.* (1877), *Art.* 1.

Art. 177. The power of the courts to punish for contempt shall be limited by law.—*La.* (1898), *Art.* 177.

Sec. 25. The legislature shall pass laws defining contempts and regulating the proceedings and punishment in matters of contempt: *Provided*, That any person accused of violating or disobeying, when not in the presence or hearing of the court, or judge sitting as such, any order of injunction, or estaint, made or entered by any court or judge of the state shall, before penalty or punishment is imposed, be entitled to a trial by jury as to the guilt or innocence of the accused. In no case shall a penalty or punishment be imposed for contempt, until an opportunity to be heard is given.—*Okla.* (1907), *Art.* 2.

ELIGIBILITY AND QUALIFICATIONS OF JUDGES.

Sec. 154. Chancellors and judges of all courts of record shall have been citizens of the United States, and of this state for five years next preceding their election or appointment, and shall not be less than twenty-five years of age, and, except judges of probate, shall be learned in the law.—*Ala.* (1901), *Art.* 6.

Sec. 3. No person shall ever be appointed or elected as a justice of the supreme court, or judge of a circuit court, or criminal court, that is not twenty-five years of age and an attorney at law.—*Fla.* (1885), *Art.* 5.

Sec. 6. A judge of the supreme court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States and two years a resident of the state, and who has been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years. The judges of the supreme court shall be elected by the qualified electors of the state and shall hold their offices during the term of eight years from the date of their commissions; but at the first meeting of the court after the first election under

this constitution the judges shall by lot divide themselves into three classes, one of which shall hold his office for four, one for six and the other for eight years, after which each judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.—*Ark.* (1874), *Art.* 7.

Sec. 16. A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a resident of the state, and shall have practiced law six years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.—*Ark.* (1874), *Art.* 7.

Sec. 23. No one shall be eligible to the office of justice of the supreme court, or to the office of judge of a superior court, unless he shall have been admitted to practice before the supreme court of the state.—*Cal.* (1880), *Art.* 6.

Sec. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this state or territory at least two years next preceding his election.—*Colo.* (1876), *Art.* 6.

Sec. 16. No person shall be eligible to the office of district judge unless he be learned in the law, be at least thirty years old, and a citizen of the United States, nor unless he shall have resided in the state or territory at least two years next preceding his election, nor unless he shall, at the time of his election, be an elector within the judicial district for which he is elected: *Provided*, That at the first election any person of the requisite age and learning, and who is an elector of the territory of Colorado, under the laws thereof, at the time of the adoption of this constitution, shall be eligible to the office of judge of the district court of the judicial district within which he is an elector.—*Colo.* (1876), *Art.* 6.

Sec. 14. Par. 1. No person shall be judge of the supreme or superior courts, or attorney general, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the state three years, and have practiced law for seven years; and no person shall be hereafter elected solicitor general, unless, at the time of his election, he shall have attained twenty-five years of age, shall have been a citizen of the state for three years, and shall have practiced law for three years next preceding his election.—*Ga.* (1877), *Art.* 6.

Sec. 23. No person shall be eligible to the office of district judge unless he be learned in the law, thirty-six years of age, and a citizen of the United States, and shall have resided in the state or territory at least two years next preceding his election, nor unless he shall have been at the time of his election, an elector in the judicial district for which he is elected.—*Idaho* (1889), *Art.* 5.

Sec. 3. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this state five years next preceding his election, and be a resident of the district in which he shall be elected.—*Ill.* (1870), *Art.* 6.

Sec. 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age and a citizen of the United States, nor unless he shall have resided in this state five years next preceding his election, and be a resident of the circuit, county, city, cities, or incorporated town in which he shall be elected.—*Ill.* (1870), *Art.* 6.

Sec. 114. No person shall be eligible to election as a judge of the court of appeals who is not a citizen of Kentucky and has not resided in this state five years and in the district in which he is elected two years next preceding his election, and who is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a circuit court or court of similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.—*Ky.* (1891), *Sec.* 114.

Sec. 130. No person shall eligible as judge of the circuit court who is less than thirty-five years of age when elected, who is not a citizen of Kentucky, and a resident of the district in which he may be a candidate two years next preceding his election, and who has not been a practicing lawyer eight years.—*Ky.* (1891), *Sec.* 130.

Art. 113. Wherever in this constitution the qualification of any justice or judge shall be the previous practice of the law for a term of years, there shall be included in such term the time such justice or judge shall have occupied the bench of any court of record in this state: *Provided*. He shall have been a licensed attorney for five years before his election or appointment.—*La.* (1898), *Art.* 113.

Sec. 2. The judges of all of the said courts shall be citizens of the state of Maryland, and qualified voters under this constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election or appointment in the judicial circuit, as the case may be, for which they may be respectively elected or appointed. They shall be not less than thirty years of age at the time of their election or appointment, and shall be selected from those who have been admitted to practice law in this state, and who are most distinguished for integrity, wisdom and sound legal knowledge.—*Md.* (1867), *Art.* 4.

Sec. 150. No person shall be eligible to the office of judge of the supreme court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been a practicing attorney and a citizen of the state for five years immediately preceding such appointment.—*Miss.* (1890), *Art.* 6.

Sec. 154. No person shall be eligible to the office of judge of the circuit court or of the chancery court who shall not have been a practicing lawyer for five years, and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this state.—*Miss.* (1890), *Art.* 6.

Sec. 6. The judges of the supreme court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this state for five years next preceding their election or appointment, and shall be learned in the law.—*Mo.* (1875), *Art.* 6.

Sec. 26. No person shall be eligible to the office of judge of the circuit court who shall not have attained the age of thirty years, been a citizen of the United States five years, a qualified voter of this state for three years, and who shall not be a resident of the circuit in which he may be elected or appointed.—*Mo.* (1875), *Art.* 6.

Sec. 10. No person shall be eligible to the office of justice of the supreme court, unless he shall have been admitted to practice law in the supreme court of the territory or state of Montana, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in said territory or state at least two years next preceding his election.—*Mont.* (1889), *Art.* 8.

Sec. 16. No person shall be eligible to the office of judge of the district court unless he be at least twenty-five years of age and a citizen of the United States, and shall have been admitted to practice law in the supreme court of the territory or state of Montana, nor unless he shall have resided in this state or territory at least one year next preceding his election. He need not be a resident of the district for which he is elected at the time of his election, but after his election he shall reside in the district for which he is elected during his term of office.—*Mont.* (1889), *Art.* 8.

Sec. 33. All officers provided for in this article, excepting justices of the supreme court, who shall reside within the state, shall respectively reside during their term of office in the district, county, township, precinct, city or town for which they may be elected or appointed.—*Mont.* (1889), *Art.* 8.

Sec. 7. No person shall be eligible to the office of judge of the supreme court unless he shall be at least thirty years of age, and a citizen of the United States; nor unless he shall have resided in this state at least three years next preceding his election.—*Neb.* (1875), *Art.* 6.

Art. 77. No person shall hold the office of judge of any court, or judge of probate, or sheriff of any county, after he has attained the age of seventy years.—*N. H.*, *Part* 2.

Sec. 3. No judge or justice shall sit in the appellate division or in the court of appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity

cases shall be taken in like manner as in cases at law; and, except as herein otherwise provided, the legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.—*N. Y.* (1894), *Art.* 6.

Sec. 12. The judges and justices hereinbefore mentioned shall receive for their services a compensation established by law, which shall not be increased or diminished during their official terms, except as provided in section five of this article. No person shall hold the office of judge or justice of any court longer than until and including the last day of December next after he shall be seventy years of age. No judge or justice elected after the first day of January, one thousand eight hundred and ninety-four, shall be entitled to receive any compensation after the last day of December next after he shall be seventy years of age; but the compensation of every judge of the court of appeals or justice of the supreme court elected prior to the first day of January, one thousand eight hundred and ninety-four, whose term of office has been, or whose present term of office shall be, so abridged, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected; but any such judge or justice may, with his consent, be assigned by the governor, from time to time, to any duty in the supreme court while his compensation is so continued.—*N. Y.* (1894), *Art.* 6.

Sec. 94. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or the territory of Dakota three years next preceding his election.—*N. Dak.* (1889), *Art.* 4.

Sec. 107. No person shall be eligible to the office of district judge, unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided within the state or territory of Dakota at least two years next preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.—*N. Dak.* (1889), *Art.* 4.

Sec. 19. The judges of the supreme court, during their continuance in office, shall reside within this commonwealth, and the other judges during their continuance in office shall reside within the districts for which they shall be respectively elected.—*Pa.* (1873), *Art.* 5.

Sec. 10. No person shall be eligible to the office of chief justice, associate justice or judge of the circuit court who is not at the time of his election a citizen of the United States and of this state, and has not attained the age of twenty-six years, has not been a licensed attorney at law for at least five years, and been a resident of this state for five years next preceding his election.—*S. C.* (1895), *Art.* 5.

Sec. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of

age, a citizen of the United States, nor unless he shall have resided in this state or territory at least two years next preceding his election and at the time of his election be a resident of the district from which he is elected; but for the purpose of re-election, no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.—*S. D.* (1889), *Art. 5.*

Sec. 25. No person shall be eligible to the office of judge of the circuit or county courts, unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States; nor unless he shall have resided in this state or territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit as the case may be, for which he is elected.—*S. D.* (1889), *Art. 5.*

Sec. 3. The judges of the supreme court shall be elected by the qualified voters of the state. The legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of section 2 of this article. Every judge of the supreme court shall be thirty-five years of age, and shall, before his election, have been a resident of the state for five years. His term of service shall be eight years.—*Tenn.* (1870), *Art. 6.*

Sec. 3. Every judge of the supreme court shall be at least thirty years of age, and, before his election, shall be a member of the bar, learned in the law, and a resident of the territory or state of Utah for five years next preceding his election.—*Utah* (1896), *Art. 8.*

Sec. 17. No person shall be eligible to the office of judge of the supreme court or judge of a superior court unless he shall have been admitted to practice in the courts of record of this state or of territory of Washington.—*Wash.* (1889), *Art. 4.*

Sec. 8. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least three years.—*Wyo.* (1889), *Art. 5.*

Sec. 12. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the state or territory of Wyoming at least two years next preceding his election.—*Wyo.* (1889), *Art. 5.*

JUDGE DISQUALIFIED BY INTEREST.

Sec. 20. No judge or justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties

shall be connected with him by consanguinity or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel or have presided in any inferior court.—*Ark.* (1874), *Art.* 7.

Sec. 2. Par. 3. No judge of any court shall preside in any case where the validity of any bond—federal, state, corporation or municipal—is involved, who holds in his own right, or as the representative of others, any material interests in the class of bonds upon which the question to be decided arises.—*Ga.* (1877), *Art.* 6.

Sec. 7. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by law, or where he shall have been of counsel in the case.—*Md.* (1867), *Art.* 4.

Sec. 165. No judge of any court shall preside on the trial of any cause where the parties or either of them shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the judge and of the parties. Whenever any judge of the supreme court or the judge or chancellor of any district in this state, shall, for any reason, be unable or disqualified to preside at any term of court, or in any case where the attorneys engaged therein shall not agree upon a member of the bar to preside in his place, the governor may commission another, or others, of law knowledge to preside at such term or during such disability or disqualification in the place of the judge or judges so disqualified. Where either party shall desire, the supreme court, for the trial of any cause, shall be composed of three judges. No judgment or decree shall be affirmed by disagreement of two judges constituting a quorum.—*Miss.* (1890), *Art.* 6.

Sec. 100. In case a judge of the supreme court shall be in any way interested in a cause brought before said court, the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.—*N. Dak.* (1889), *Art.* 4, *Sec.* 100.

Sec. 13. Except by consent of all the parties, no judge of the supreme or inferior courts shall preside in the trial of any cause where either of the parties shall be connected with him by affinity or consanguinity within the degree of first cousin, or in which he may have been of counsel, or in the trial of which he may have presided in any inferior court.—*Utah* (1896), *Art.* 8.

COMPENSATION OF JUDGES; INELIGIBILITY TO OTHER OFFICE.

(81) Sec. 9. Each of the judges of the circuit courts shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the legislature or the people, shall be void.—*Mich.* (1850), *Art.* 6.

Sec. 150. The justices of the supreme court, chancellors and the judges of the circuit courts, and other courts of record, except probate courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official terms; they shall receive no fees or perquisites, nor hold any office, except judicial offices, of profit or trust under this state or the United States, or any other government during the time for which they have been elected or appointed.—*Ala.* (1901), *Art.* 6.

Sec. 10. The supreme judges shall at stated times receive a compensation for their services to be ascertained by law, which shall not be, after the adjournment of the next general assembly, diminished during the time for which they shall have been elected. They shall not be allowed any fees or perquisites of office, nor hold any other office, nor hold any office of trust or profit under the state or the United States.—*Ark.* (1874), *Art.* 7.

Sec. 18. The judges of the circuit courts shall at stated times receive a compensation for their services, to be ascertained by law, which shall not, after the adjournment of the first session of the general assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this state or the United States.—*Ark.* (1874), *Art.* 7.

Sec. 24. No judge of a superior court, nor of the supreme court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary, unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.—*Cal.* (1880), *Art.* 6.

Sec. 18. The judges of the supreme and district courts shall each receive such salary as may be provided by law, and no such judge shall receive any other compensation, perquisite, or emolument for or on account of his office, in any form whatever, nor act as attorney or counsellor at law.—*Colo.* (1876), *Art.* 6.

Sec. 18. The justices of the supreme court and judges of the superior courts shall be ineligible to any other office or public employment, than a judicial office or employment, during the term for which they shall have been elected.—*Cal.* (1880), *Art.* 6.

Sec. 7. No justice of the supreme court shall be eligible to any other office of trust or profit under the laws of this state during the term for which he was elected.—*Idaho* (1889), *Art.* 5, *Sec.* 7.

Sec. 13. The judges of the supreme court and circuit courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.—*Ind.* (1851), *Art.* 7.

Sec. 16. No person elected to any judicial office shall, during the

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term for which he shall have been elected, be eligible to any office of trust or profit under the state, other than a judicial office.—*Ind.* (1851), *Art.* 7.

Sec. 133. The judges of the circuit court shall, at stated times, receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the state, so far as the same shall be paid out of the state treasury.—*Ky.* (1891), *Sec.* 133.

Art. 114. No judge of any court of the state shall be affected in his term of office, salary, or jurisdiction as to territory or amount, during the term or period for which he was elected or appointed. Any legislation so affecting any judge or court shall take effect only at the end of the term of office of the judge or judges, incumbents of the court, or courts, to which such legislation may apply at the time of its enactment. This article shall not affect the provisions of this constitution relative to impeachment or removal from office.—*La.* (1898), *Art.* 114.

Sec. 2. The justices of the supreme judicial court shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.—*Me.* (1819), *Art.* 6.

Sec. 6. The justices of the supreme judicial court shall hold no office under the United States, nor any state, nor any other office under this state, except that of justice of the peace.—*Me.* (1819), *Art.* 6.

Art. 33. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore, the judges shall not be removed, except in the manner, and for the causes, provided in this constitution. No judge shall hold any other office, civil or military or political trust, or employment of any kind whatsoever, under the constitution or laws of this state, or of the United States, or any of them; or receive fees, or perquisites of any kind, for the discharge of his official duties.—*Md.* (1867), *Dec. of Rights*.

Sec. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times as may be prescribed by the legislature; which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.—*Minn.* (1857), *Art.* 6.

Sec. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this state. And all votes for either of them for any elective office under this constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.—*Minn.* (1857), *Art.* 6.

Sec. 166. The judges of the supreme court, of the circuit courts, and the chancellors shall receive for their services a compensation to be fixed

by law, which shall not be increased or diminished during their continuance in office.—*Miss.* (1890), *Art.* 6.

Sec. 33. The judges of the supreme, appellate and circuits courts, and of all other courts of record receiving a salary, shall, at stated times, receive such compensation for their services as is or may be prescribed by law; but it shall not be increased or diminished during the period for which they were elected.—*Mo.* (1875), *Art.* 6.

Sec. 35. No justice of the supreme court or district judge shall hold any other public office while he remains in the office to which he has been elected or appointed.—*Mont.* (1889), *Art.* 8.

Sec. 11. The justices of the supreme court and the district judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointments of any such judges by the people, legislature or otherwise, during said period, to any office other than judicial, shall be void.—*Nev.* (1864), *Art.* 6.

Sec. 15. The justices of the supreme court and district judges shall each receive quarterly for their services a compensation to be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, unless in case a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation: *Provided*, That district judges shall be paid out of the county treasuries of the counties composing their respective districts.—*Nev.* (1864), *Art.* 6.

Art. 58. Permanent and honorable salaries shall be established by law for the justices of the superior court.—*N. H., Part 2, Art.* 58.

Sec. 10. The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the legislature or the people, shall be void.—*N. Y.* (1894), *Art.* 6.

Sec. 99. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected.—*N. Dak.* (1889), *Art.* 4.

Sec. 119. No judge of the supreme or district courts shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge. All votes or appointments for either of them for any elective or appointive office except that of judge of the supreme court or district court, given by the legislative assembly or the people, shall be void.—*N. Dak.* (1889), *Art.* 4.

Sec. 14. The judges of the supreme court, and of the court of common pleas, shall, at stated times, receive, for their services, such compensation as may be provided by law, which shall not be diminished, or increased, during their term of office; but they shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this state, or the United States. All votes for either of them, for any elective office, except a judicial office, under the authority of this state, given by the general assembly or the people, shall be void.—*Ohio* (1851), *Art.* 4.

Sec. 18. The judges of the supreme court and the judges of the several courts of common pleas, and all other judges required to be learned in the law shall, at stated times, receive for their services an adequate compensation, which shall be fixed by law and paid by the state. They shall receive no other compensation, fees or perquisites of office for their services from any source nor hold any other office of profit under the United States, this state or any other state.—*Pa.* (1873), *Art.* 5.

Sec. 6. The judges of the supreme court shall receive a compensation for their services which shall not be diminished during their continuance in office.—*R. I.* (1842), *Art.* 10.

Sec. 9. The justice of the supreme court and judges of the circuit court shall each receive compensation for their services to be fixed by law, which shall not be increased or diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this state, the United States, or any other power.—*S. C.* (1895), *Art.* 5.

Sec. 30. The judges of the supreme court, circuit courts and county courts shall each receive such salary as may be provided by law, consistent with this constitution, and no such judge shall receive any compensation, perquisite or emoluments, for or on account of his office in any form whatever, except such salary: *Provided*, That county judges may accept and receive such fees as may be allowed under the laws of the United States.—*S. D.* (1889), *Art.* 5.

Sec. 35. No judge of the supreme or circuit courts shall be elected to any other than a judicial office, or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office, except that of judge of the supreme court, circuit court or county court, given by the legislature or the people shall be void.—*S. D.* (1889), *Art.* 5.

Sec. 7. The judges of the supreme or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any office of trust or profit under this state or the United States.—*Tenn.* (1870), *Art.* 6.

Sec. 12. The judges of the supreme and district courts shall receive at stated times compensation for their services, which shall not be increased or diminished during the time for which they are elected.—*Utah* (1896), *Art.* 8.

Sec. 15. The judges of the supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.—*Wash.* (1889), *Art.* 4.

Sec. 17. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the supreme or district court shall be as may be prescribed by law.—*Wyo.* (1889), *Art.* 5.

Sec. 27. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.—*Wyo.* (1889), *Art.* 5.

JUDICIAL OFFICER NOT TO RECEIVE FEES.

Sec. 15. No judicial officer, except justices of the peace and court commissioners, shall receive to his own use any fees or perquisites of office.—*Cal.* (1880), *Art.* 6.

Sec. 10. No judicial officer, except justices of the peace and city recorders, shall receive to his own use any fees or perquisites of office.—*Nev.* (1864), *Art.* 6.

Sec. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior courts shall, severally, at stated times during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One-half of the salary of each of the superior court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.—*Wash.* (1889), *Art.* 4.

Sec. 162. No judge of any court of record in this state shall practice law in any of the courts of this state, or of the United States.—*Ala.* (1901), *Art.* 6.

Sec. 25. The judges of the supreme, circuit or chancery courts shall not, during their continuance in office, practice law or appear as counsel in any court, state or federal, within this state.—*Ark.* (1874), *Art.* 7.

Sec. 22. No judge of a court of record shall practice law in any court of this state during his continuance in office.—*Cal.* (1880), *Art.* 6.

Sec. 31. No justice or clerk of the supreme court, nor judge or clerk of any district court shall act or practice as an attorney, or counsellor at law in any court of this state during his continuance in office.—*Mont.* (1889), *Art.* 8.

Art. 78. No judge of any court or justice of the peace shall act as attorney, or be of counsel to any party, or originate any civil suit, in matters which shall come or be brought before him as judge or justice of the peace.—*N. H., Part 2, Art.* 78.

Art. 80. No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.—*N. H., Part 2, Art.* 80.

Sec. 20. No judicial officer, except justices of the peace, shall receive to his own use any fees or perquisites of office; nor shall any judge of the court of appeals, or justice of the supreme court, or any county judge or surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counsellor in any court of record in this state, or act as referee. The legislature may impose a similar prohibition upon county judges and surrogates in other counties. No one shall be eligible to the office of judge of the court of appeals, justice of the supreme court, or, except in the county of Hamilton, to the office of county judge or surrogate, who is not an attorney and counselor of this state.—*N. Y.* (1894), *Art.* 6.

Sec. 117. No judge of the supreme or district court shall act as attorney or counsellor at law.—*N. Dak.* (1889), *Art.* 4.

Sec. 31. No judge of the supreme court or circuit court shall act as attorney or counsellor at law, nor shall any county judge act as an attorney or counsellor at law in any case which is or may be brought into his court or which may be appealed therefrom.—*S. D.* (1889), *Art.* 5.

Sec. 105. No judge of the supreme court of appeals, of the circuit court, or of any city court of record shall practice law, within or without this state, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in a city of the second class, may hold the office of com-

missioner in chancery of the circuit court for the county in which the city is located.—*Va.* (1902), *Art.* 6.

Sec. 19. No judge of a court of record shall practice law in any court of this state during his continuance in office.—*Wash.* (1889), *Art.* 4.

Sec. 25. No judge of the supreme or district court shall act as attorney or counsellor at law.—*Wyo.* (1889), *Art.* 5.

SUPREME COURT REPORTER; WRITTEN DECISIONS; APPOINTMENTS BY JUDGES.

(82) Sec. 10. *The supreme court may appoint a reporter of its decisions. The decisions of the supreme court shall be in writing and signed by the judges concurring therein. Any judge dissenting therefrom shall give the reasons of such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court. The judges of the circuit court within their respective jurisdictions may fill vacancies in the office of county clerk and of prosecuting attorney; but no judge of the supreme court or circuit court shall exercise any other power of appointment to public office.*—*Mich.* (1850), *Art.* 6.

Sec. 21. The justices shall appoint a reporter of the decisions of the supreme court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.—*Cal.* (1880), *Art.* 6.

Sec. 22. The attorney general shall be the legal advisor of the governor, and of each of the officers of the executive department, and shall perform such other legal duties as may be prescribed by law. He shall be reporter for the supreme court.—*Fla.* (1885), *Art.* 4.

Sec. 9. The supreme court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.—*Ill.* (1870), *Art.* 6.

Sec. 5. The supreme court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decision of the court thereon.—*Ind.* (1851), *Art.* 7.

Sec. 4. There shall be appointed, by the justices of the supreme court, a reporter and clerk of said court, who shall hold their offices two years, and whose duties shall be prescribed by law.—*Kan.* (1859), *Art.* 3.

Art. 92. The decisions of the supreme court shall be reported under the direction of the court; the publication thereof shall be let out by contract to the lowest bidder, who need not be a citizen of the state: *Provided*, That the annual reports for the year 1898, shall be published in numbers, and completed under the present contract therefor, and the present reporter shall remain in office until February 1st, 1899.

Concurring and dissenting opinions shall not be published.

The general assembly shall annually appropriate the sum of two thousand dollars, as salary of stenographers to be appointed by the court, and for the use of the justices thereof.—*La.* (1898), *Art.* 92.

Sec. 9. The judge or judges of any court may appoint such officers for their respective courts as may be found necessary; and such officers of the courts in the city of Baltimore shall be appointed by the judges of the supreme bench of Baltimore city. It shall be the duty of the general assembly to prescribe by law a fixed compensation for all such officers, and said judge or judges shall from time to time investigate the expenses, costs and charges of their respective courts, with a view to a change or reduction thereof, and report the result of such investigation to the general assembly for its action.—*Md.* (1867), *Art.* 4.

Sec. 16. Provision shall be made by law for publishing reports of all causes argued and determined in the court of appeals, which the judges shall designate as proper for publication.—*Md.* (1867), *Art.* 4.

Sec. 8. There shall be appointed by the supreme court a reporter, who shall also act as clerk of the supreme court, and librarian of the law and miscellaneous library of the state, whose term of office shall be four years, unless sooner removed by the court, whose salary shall be fixed by law, not to exceed fifteen hundred dollars per annum. The copyright of the state reports shall forever belong to the state.—*Neb.* (1875), *Art.* 6.

5. The law reporter shall be appointed by the justices of the supreme court, or a majority of them; and the chancery reporter shall be appointed by the chancellor. They shall hold their offices for five years.—*N. J.* (1844), *Art.* 7, *Sec.* 2, *Cl.* 5.

Sec. 93. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof, and who shall hold their offices during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law and by rules of the supreme court not inconsistent with law. The legislative assembly shall make provision for the publication and distribution of the decisions of the supreme court and for the sale of the published volumes thereof.—*N. Dak.* (1889), *Art.* 4.

Sec. 96. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.—*N. Dak.* (1889), *Art.* 4.

Sec. 101. When a judgment or decree is reversed or confirmed by the supreme court, every point fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely stated in writing, signed by the judges concurring, filed in the office of the clerk of the supreme court and preserved with a record

of the case. Any judge dissenting therefrom may give the reasons of his dissent in writing over his signature.—*N. Dak.* (1889), *Art.* 4.

Sec. 102. It shall be the duty of the court to prepare a syllabus of the points adjudicated in each case, which shall be concurred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.—*N. Dak.* (1889), *Art.* 4.

Sec. 21. No duties shall be imposed by law upon the supreme court or any of the judges thereof except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of *nisi prius* is hereby abolished and no court of original jurisdiction to be presided over by any one or more of the judges of the supreme court shall be established.—*Pa.* (1873), *Art.* 5.

Sec. 7. There shall be appointed by the justices of the supreme court a reporter and a clerk of said court, who shall hold their offices for four years, and whose duties and compensation shall be prescribed by law.—*S. C.* (1895), *Art.* 5.

Sec. 8. When a judgment or decree is reversed or affirmed by the supreme court, every point made and distinctly stated in the cause and fairly arising upon the record of the case shall be considered and decided, and the reason thereof shall be concisely and briefly stated in writing and preserved with the record of the case.—*S. C.* (1895), *Art.* 5.

Sec. 5. An attorney general and reporter for the state shall be appointed by the judges of the supreme court, and shall hold his office for a term of eight years. An attorney for the state for any circuit or district for which a judge having criminal jurisdiction shall be provided by law, shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the state five years, and of the circuit or district one year. In all cases where the attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney *pro tempore*.—*Tenn.* (1870), *Art.* 6.

Sec. 14. The supreme court shall appoint a clerk, and a reporter of its decisions, who shall hold their offices during the pleasure of the court. Until otherwise provided, county clerks shall be *ex officio* clerks of the district courts in and for their respective counties, and shall perform such other duties as may be provided by law.—*Utah* (1896), *Art.* 8.

Sec. 25. When a judgment or decree is reversed, modified or affirmed by the supreme court, the reasons therefor shall be stated concisely in writing, signed by the judges concurring, filed in the office of the clerk of the supreme court, and preserved with a record of the case. Any judge dissenting therefrom, may give the reasons of his dissent in writing over his signature.—*Utah* (1896), *Art.* 8.

Sec. 26. It shall be the duty of the court to prepare a syllabus of all the points adjudicated in each case, which shall be concurred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.—*Utah* (1896), *Art. 8*.

Sec. 90. When a judgment or decree is reversed or affirmed by the supreme court of appeals the reasons therefor shall be stated in writing and preserved with the record of the case.—*Va.* (1902), *Art. 6*.

Sec. 92. The officers of the supreme court of appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.—*Va.* (1902), *Art. 6*.

Sec. 18. The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.—*Wash.* (1889), *Art. 4*.

Sec. 40. The legislature shall not confer upon any court, or judge, the power of appointment to office, further than the same is herein provided for.—*W. Va.* (1872), *Art. 6*.

Sec. 5. When a judgment or decree is reversed or affirmed by the supreme court of appeals, every point fairly arising upon the record of the case shall be considered and decided; and the reasons therefor shall be concisely stated in writing and preserved with the record of the case, and it shall be the duty of the court to prepare a syllabus of the points adjudicated in such case concurred in by three of the judges thereof, which shall be prefixed to the published report of the case.—*W. Va.* (1872), *Art. 8*.

Sec. 16. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.—*Wyo.* (1889), *Art. 5*.

TERMS OF CIRCUIT COURTS; JUDGES TO SIT IN OTHER CIRCUITS; SPECIAL JUDGES.

(83) Sec. 11. *A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.*—*Mich.* (1850), *Art. 6*.

Sec. 144. A circuit court, or a court having the jurisdiction of the circuit court, shall be held in each county in the state at least twice in each year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned

in this section shall have power to issue writs of injunction, returnable to the court of chancery, or courts having the jurisdiction of courts of chancery.—*Ala.* (1901), *Art.* 6.

Sec. 160. If in any case, civil or criminal, pending in any circuit court, chancery court, or in any court of general jurisdiction having any part of the jurisdiction of a circuit and a chancery court, or either of them in this state, the presiding judge or chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as such incompetent chancellor or judge could have rendered but for such incompetency. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one, and the prosecuting officer and the defendant or defendants do not agree upon a special judge or chancellor, or if either party in a civil cause is not represented in court, the register in chancery or the clerk of such circuit or other court in which said cause is pending, shall appoint a special judge or chancellor, who shall preside, try and render judgment as in this section provided. The legislature may prescribe other methods for supplying special judges in such cases.—*Ala.* (1901), *Art.* 6.

Sec. 12. The circuit courts shall hold their terms in each county at such times and places as are, or may be, prescribed by law.—*Ark.* (1874), *Art.* 7.

Sec. 22. The judges of the circuit courts may temporarily exchange circuits or hold courts for each other under such regulations as may be prescribed by law.—*Ark.* (1874), *Art.* 7.

Sec. 7. In any county, or city and county, other than the city and county of San Francisco, in which there shall be more than one judge of the superior court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.—*Cal.* (1880), *Art.* 6.

Sec. 8. A judge of any superior court may hold a superior court in any county at the request of a judge of the superior court thereof, and upon the request of the governor it shall be his duty so to do. But a cause in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the cause.—*Cal.* (1880), *Art.* 6.

Sec. 17. The time of holding courts within the said districts shall be as provided by law, but at least one term of the district court shall be held annually in each county, except in such counties as may be at-

tached, for judicial purposes, to another county, wherein such courts are so held. This shall not be construed to prevent the holding of special terms, under such regulations as may be provided by law.—*Colo.* (1876), *Art.* 6.

Sec. 19. When any civil case at law in which the judge is disqualified shall be called for trial in a circuit or county court, the parties may agree upon an attorney at law, who shall be judge ad litem, and shall preside over the trial of and make orders in said cause as if he were judge of the court. The parties may, however, transfer the cause to another circuit court or county court, as the case may be, or may have the case submitted to a referee.—*Fla.* (1885), *Art.* 5.

Sec. 4. Par. 8. The superior courts shall sit in each county not less than twice in each year, at such times as have been or may be appointed by law.—*Ga.* (1877), *Art.* 6.

Sec. 12. Every judge of the district court shall reside in the district for which he is elected. A judge of any district court may hold a district court in any county at the request of the judge of the district court thereof, and upon the request of the governor it shall be his duty to do so; but a cause in the district court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause.—*Idaho* (1889), *Art.* 5.

Sec. 14. The general assembly shall provide for the times of holding court in each county; which shall not be changed, except by the general assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.—*Ill.* (1870), *Art.* 6.

Sec. 10. The general assembly may provide, by law, that the judge of one circuit may hold the courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the courts in his circuit, provisions may be made, by law, for holding such courts.—*Ind.* (1851), *Art.* 7.

Sec. 20. Provision shall be made by law for the selection, by the bar, of a pro tem. judge of the district court, when the judge is absent or otherwise unable or disqualified to sit in any case.—*Kan.* (1859), *Art.* 3.

Sec. 131. There shall be at least three regular terms of circuit court held in each county every year.—*Ky.* (1891), *Sec.* 131.

Art. 112. The general assembly shall provide by law for the interchange of district judges; and also for the trial of recused cases in the district courts by the selection of licensed attorneys at law, by an interchange of judges or otherwise. Whenever any district judge is prevented by disability, or any other cause whatever, from holding his

court, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the supreme court, or to any justice thereof, if in the judgment of the court, or any justice, the public interest so requires, the court or such justice shall designate and appoint any district judge of any other district to hold said court and discharge all the judicial duties of the judge so disabled during said disability. Such appointment shall be filed in the clerk's office and entered on the minutes of said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the clerk of the district court to the district judge so designated and appointed.—*La. (1898), Art. 112.*

Art. 117. District courts shall hold continuous sessions during ten months of the year. In districts composed of more than one parish, the judge shall sit alternately in each parish, as the public business may require. Until otherwise provided by law, judgments shall be signed after three days from the rendition thereof, and become executory ten days from such signing.

The general assembly shall provide for the drawing of juries for the trial of civil and criminal cases. A grand jury of twelve, nine of whom must concur to find an indictment, shall be empanelled in each parish twice in each year, and shall remain in office until a succeeding grand jury is empanelled; except in the parish of Cameron, in which at least one grand jury shall be empanelled each year. The district judges shall have authority to try at any time all misdemeanors and when the jury is waived all cases not necessarily punishable at hard labor, and to receive pleas of guilty in cases less than capital.

The provisions of this article shall go into effect upon the adoption of this constitution.—*La. (1898), Art. 117.*

Sec. 21. For each of the said circuits (excepting the eighth) there shall be a chief judge and two associate judges, to be styled judges of the circuit court, to be elected or appointed as herein provided. And no two of said associate judges shall at the time of their election, or appointment, or during the term for which they may have been elected or appointed, reside in the same county. If two or more persons shall be candidates for associate judge in the same county, that one only in said county shall be declared elected who has the highest number of votes in the circuit. In case any two candidates for associate judge, residing in the same county, shall have an equal number of votes, greater than any other candidate for associate judge in the circuit, it shall be the duty of the governor to order a new election for one associate judge; but the person residing in any other county of the circuit, and who has the next highest number of votes, shall be declared elected. The said judges shall hold not less than two terms of the circuit court in each of the counties, composing their respective circuits, at such times as are now, or may hereafter be prescribed, to which jurors shall be summoned; and in those counties where only two such terms are held, two other and intermediate terms, to which jurors shall not be summoned; they may alter or fix the times for holding any or all terms, until otherwise prescribed, and shall adopt rules to the end that all business not requiring the interposition of a jury shall be, as far as practicable, disposed of at said intermediate terms. One judge in each of the above circuits shall con-

stitute a quorum for the transaction of any business; and the said judges, or any of them, may hold special terms of their courts, whenever in their discretion, the business of the several counties renders such terms necessary.—*Id.* (1867), *Art.* 4.

Sec. 158. A circuit court shall be held in each county at least twice in each year, and the judges of said courts may interchange circuits with each other in such manner as may be provided by law.—*Miss.* (1890), *Art.* 6.

Sec. 11. If, in any cause pending in the supreme court, or the St. Louis court of appeals, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may agree upon some person, learned in the law, to act as special judge in the cause, who shall therein sit with the court, and give decision in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.—*Mo.* (1875), *Art.* 6.

Sec. 29. If there be a vacancy in the office of judge of any circuit, or if the judge be sick, absent, or from any cause unable to hold any term or part of term of court, in any county in his circuit, such term or part of term of court may be held by a judge of any other circuit; and at the request of the judge of any circuit, any term of court or part of term in his circuit may be held by the judge of any other circuit, and in all such cases, or in any case where the judge cannot preside, the general assembly shall make such additional provision for holding court as may be found necessary.—*Mo.* (1875), *Art.* 6.

Sec. 17. The district court in each county which is a judicial district by itself shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the judges of such district shall fix the term of court: *Provided*, That there shall be at least four terms a year held in each county.—*Mont.* (1889), *Art.* 8.

Sec. 36. A civil action in the district court may be tried by a judge pro tempore, who must be a member of the bar of the state, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause; and in such case any order, judgment or decree, made or rendered therein by such judge pro tempore, shall have the same force and effect as if made or rendered by the court with the regular judge presiding.—*Mont.* (1889), *Art.* 8.

Sec. 12. The judges of the district courts may hold courts for each other and shall do so when required by law.—*Neb.* (1875), *Art.* 6.

Sec. 7. The times of holding the supreme court and district courts shall be as fixed by law. The terms of the supreme court shall be held at the seat of government; and the terms of the district courts shall be held at the county seats of their respective counties: *Provided*, That

in case any county shall be hereafter divided into two or more districts, the legislature may by law designate the places of holding courts in any such districts.—*Nev.* (1864), *Art.* 6.

Sec. 11. Every judge of the superior court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district.—*N. C.* (1875), *Art.* 4.

Sec. 22. The superior court shall be at all times open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.—*N. C.* (1875), *Art.* 4.

Sec. 115. The time of holding courts in the several counties of a district shall be as prescribed by law, but at least two terms of the district court shall be held annually in each organized county, and the legislative assembly shall make provision for attaching unorganized counties or territories to organized counties for judicial purposes.—*N. Dak.* (1889), *Art.* 4.

Sec. 116. Judges of the district courts may hold court in other districts than their own under such regulations as shall be prescribed by law.—*N. Dak.* (1889), *Art.* 4.

Sec. 25. The terms of the district court shall be held at the county seat of the respective counties.—*Okla.* (1907), *Art.* 7.

Sec. 8. The circuit court shall be held twice, at least in each year, in each county organized for judicial purposes, by one of the justices of the supreme court, at times to be appointed by law; and at such other times as may be appointed by the judges, severally, in pursuance of law.—*Ore.* (1857), *Art.* 7.

Sec. 14. Judges of the circuit courts shall interchange circuits with each other, and the general assembly shall provide therefor.—*S. C.* (1895), *Art.* 5.

Sec. 16. The court of common pleas shall sit in each county in this state at least twice in every year at such stated times and places as may be appointed by law.—*S. C.* (1895), *Art.* 5.

Sec. 27. The time of holding courts within said judicial circuits and counties shall be as provided by law; but at least one term of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.—*S. D.* (1889), *Art.* 5.

Sec. 28. Special terms of said courts may be held under such regulations as may be provided by law.—*S. D.* (1889), *Art.* 5.

Sec. 29. The judges of the circuit courts may hold courts in other circuits than their own, under such regulations as may be prescribed by law.—*S. D.* (1889), *Art.* 5.

Sec. 11. No judge of the supreme or inferior courts shall prescribe on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the supreme court shall thus be disqualified from presiding on the trial of any cause or causes, the court, or the judges thereof, shall certify the same to the governor of the state, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and determination thereof. The legislature may, by general laws, make provision that special judges may be appointed to hold any courts the judge of which shall be unable or fail to attend or sit, or to hear any cause in which the judge may be incompetent.—*Tenn.* (1870), *Art.* 6.

Sec. 11. No judge shall sit in any case wherein he may be interested, or when either of the parties may be connected with him either by affinity of consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the supreme court, the court of criminal appeals, the court of civil appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the governor of the state, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.—*Tex.* (1875), *Art.* 5 (*Amdt.* 1891).

Sec. 97. The number of terms of the circuit courts to be held for each county and city, shall be prescribed by law. But no separate circuit court shall be held for any city of the second class, until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.—*Va.* (1902), *Art.* 6.

Sec. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case

in the superior court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case.—*Wash.* (1889), *Art.* 4.

Sec. 11. A circuit court shall be held in every county in the state at least three times in each year, and provisions may be made by law for holding special terms of said court. A judge of any circuit may hold the courts in another circuit.—*W. Va.* (1872), *Art.* 8.

15. The legislature shall provide by law for holding regular and special terms of the circuit courts, where from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.—*W. Va.* (1872), *Art.* 8.

Sec. 11. The judges of the district courts may hold courts for each other and shall do so when required by law.—*Wyo.* (1889), *Art.* 5.

Sec. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.—*Wyo.* (1889), *Art.* 5.

CLERKS OF COURTS.

(84) Sec. 12. *The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county. The supreme court shall have power to appoint a clerk for such supreme court.*—*Mich.* (1850), *Art.* 6.

Sec. 164. The clerk of the supreme court shall be appointed by the judges thereof, and shall hold office for the term of six years; and the clerks of such inferior courts as may be established by law shall be selected in such manner as the legislature may provide.—*Ala.* (1901), *Art.* 6.

Sec. 165. Clerks of the circuit court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the chancellor, also fill the office of register in chancery. Vacancies in such office of clerk shall be filled by the judge of the circuit court for the unexpired term.—*Ala.* (1901), *Art.* 6.

Sec. 166. The clerk of the supreme court and registers in chancery may be removed from office by the justices of the supreme court, and by the chancellors, respectively, for cause, to be entered at length upon the minutes of the court.—*Ala.* (1901), *Art.* 6.

Sec. 7. The supreme court shall appoint its clerk and reporter, who shall hold their offices for six years, subject to removal for good cause.—*Ark.* (1874), *Art.* 7.

Sec. 19. The clerks of the circuit court shall be elected by the qualified electors of the several counties, for the term of two years, and shall be ex-officio clerks of the county and probate courts and recorder: *Provided*, That in any county having a population exceeding fifteen thousand inhabitants, as shown by the last federal census, there shall be elected a county clerk, in like manner as clerk of the circuit court, who shall be ex-officio clerk of the probate court of said county.—*Ark.* (1874), *Art. 7.*

Sec. 14. The legislature shall provide for the election of a clerk of the supreme court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The county clerks shall be ex-officio clerks of the courts of record in and for their respective counties, or cities and counties. The legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the judges of the superior courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.—*Cal.* (1880), *Art. 6.*

Sec. 9. There shall be a clerk of the supreme court, who shall be appointed by the judges thereof, and shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be as prescribed by law, and by the rules of the supreme court.—*Colo.* (1876), *Art. 6.*

Sec. 19. There shall be a clerk of the district court in each county wherein a term is held, who shall be appointed by the judge of the district, to hold his office during the pleasure of the judge. His duties and compensation shall be as provided by law and regulated by the rules of the court.—*Colo.* (1876), *Art. 6.*

Sec. 7. The supreme court shall appoint a clerk who shall have his office at the capital and shall be librarian of the supreme court library.—*Fla.* (1885), *Art. 5.*

Sec. 15. The clerk of the supreme court shall be appointed by the court, and shall hold his office during the pleasure of the court. He shall receive such compensation for his services as may be provided by law.—*Idaho* (1889), *Art. 5.*

Sec. 16. A clerk of the district court for each county shall be elected by the qualified voters thereof at the time and in the manner prescribed by law for the election of members of the legislature, and shall hold his office for the term of four years.—*Idaho* (1889), *Art. 5.*

Sec. 10. At the time of the election of representatives in the general assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the

expiration of the term of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.—*Ill.* (1870), *Art.* 6.

Sec. 27. The present clerk of the recorder's court of the city of Chicago shall be the clerk of the criminal court of Cook county during the term for which he was elected. The present clerks of the superior court of Chicago, and the present clerk of the circuit court of Cook county, shall continue in office during the terms for which they were respectively elected; and thereafter there shall be but one clerk of the superior court, to be elected by the qualified electors of said county, who shall hold his office for the term of four years, and until his successor is elected and qualified.—*Ill.* (1870), *Art.* 6.

Sec. 7. There shall be elected by the voters of the state, a clerk of the supreme court, who shall hold his office four years, and whose duties shall be prescribed by law.—*Ind.* (1851), *Art.* 7.

Sec. 7. There shall be elected in each organized county a clerk of the district court, who shall hold his office two years, and whose duties shall be prescribed by law.—*Kan.* (1859), *Art.* 3.

Sec. 120. The present clerk of the court of appeals shall serve until the expiration of the term for which he was elected, and until his successor is elected and qualified. At the election in the year eighteen hundred and ninety-seven there shall be elected by the qualified voters of the state a clerk of the court of appeals, who shall take his office the first Monday in September, eighteen hundred and ninety-eight, and who shall hold his office until the regular election in nineteen hundred and three, and until his successor shall be elected and qualified. In nineteen hundred and three and thereafter, the clerk of the court of appeals shall be elected at the same time as the governor for the term of four years; and the said clerk shall take his office on the first Monday in January following his election, and shall hold his office until his successor is elected and qualified. The clerk shall be ineligible for the succeeding term.—*Ky.* (1891), *Bill of Rights*.

Sec. 122. Should a vacancy occur in the office of the clerk of the court of appeals, or should the clerk be under charges, the court of appeals shall have power to appoint a clerk until the vacancy be filled as provided in this constitution, or until the clerk be acquitted.—*Ky.* (1891), *Sec.* 122.

Art. 122. There shall be a clerk of the district court in each parish, the parish of Orleans excepted, who shall be ex-officio clerk of the court of appeal.

He shall be elected by the qualified electors of the parish every four years, and shall be ex-officio parish recorder of conveyances, mortgages, and other acts, and notary public.

He shall receive no compensation from the state or parish for his services in criminal matters.

He shall give bond and security for the faithful performance of his

duties in such amount as shall be fixed by the general assembly.—*La.* (1898), *Art.* 122.

Art. 124. Clerks of district courts may appoint, with the approval of the district judges, deputies with such powers as shall be prescribed by law; and the general assembly shall have power to provide for continuing one or more of them in office in the event of any vacancy in the office of clerk, until his successor shall have been appointed and duly qualified.—*La.* (1898), *Art.* 124.

Sec. 10. The clerks of the several courts created or continued by this constitution shall have charge and custody of the records and other papers; shall perform all the duties, and be allowed the fees which appertain to the several offices, as the same now are or may hereafter be regulated by law. And the office and business of said clerks, in all their departments, shall be subject to the visitatorial power of the judges of their respective courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said office; and it shall be the duty of the judges of said courts, respectively, to make from time to time such rules and regulations as may be necessary and proper for the government of said clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the general assembly.—*Md.* (1867), *Art.* 4.

Sec. 17. There shall be a clerk of the court of appeals, who shall be elected by the legal and qualified voters of the state, who shall hold his office for six years, and until his successor is duly qualified; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law; and in case of a vacancy in the office of said clerk, the court of appeals shall appoint a clerk of said court, who shall hold his office until the election and qualification of his successor, who shall be elected at the next general election for members of the general assembly; and the person so elected shall hold his office for the term of six years from the time of election.—*Md.* (1867), *Art.* 4.

Sec. 25. There shall be a clerk of the circuit court for each county, who shall be elected by a plurality of the qualified voters of said county, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a court of law. In case of a vacancy in the office of clerk of the circuit court, the judges of said court shall have power to fill such vacancy until the general election for delegates to the general assembly, to be held next thereafter, when a successor shall be elected for the term of six years.—*Md.* (1867), *Art.* 4.

Sec. 26. The said clerks shall appoint, subject to the confirmation of the judges of their respective courts, as many deputies under them as the said judges shall deem necessary to perform, together with themselves, the duties of the said office, who shall be removable by the said judges for incompetency, or neglect of duty, and whose compensation shall be

according to existing or future provisions of the general assembly.—*Md.* (1867), *Art.* 4.

Sec. 6. It shall be the duty of the clerk of the court of appeals and of the commissioner of the land office, respectively, whenever a case shall be brought into said court or office in which the state is a party or has interest, immediately to notify the attorney-general thereof.—*Md.* (1867), *Art.* 5.

Sec. 13. There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.—*Minn.* (1857), *Art.* 6.

Sec. 168. The clerk of the supreme court shall be elected as other state officers, for the term of four years, and the clerk of the circuit court and the clerk of the chancery court shall be selected in each county in the manner provided by law, and shall hold office for the term of four years, and the legislature shall provide by law what duties shall be performed during vacation by the clerks of the circuit and chancery courts, subject to the approval of the court.—*Miss.* (1890), *Art.* 6.

Sec. 21. Upon the adoption of this constitution, and after the close of the next regular terms of the supreme court at St. Louis and St. Joseph, as now established by law, the office of the clerk of the supreme court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the supreme court at Jefferson city all the books, records, documents, transcripts and papers belonging to their respective offices, except those required by section nineteen of this article to be turned over to the St. Louis court of appeals; and said records, documents, transcripts and papers shall become part of the records, documents, transcripts and papers of said supreme court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.—*Mo.* (1875), *Art.* 6.

Sec. 39. The St. Louis court of appeals and supreme court shall appoint their own clerks. The clerks of all other courts of record shall be elective, for such terms and in such manner as may be directed by law: *Provided*, That the term of office of no existing clerk of any court of record, not abolished by this constitution, shall be affected by such law.—*Mo.* (1875), *Art.* 6.

Sec. 40. In case there be a tie or a contested election between candidates for clerk of any court of record, the same shall be determined in such manner as may be directed by law.—*Mo.* (1875), *Art.* 6.

Sec. 9. There shall be a clerk of the supreme court, who shall hold his office for the term of six years, except that the clerk first elected shall hold his office only until the general election in the year one thousand eight hundred ninety-two, and until his successor is elected and qualified. He shall be elected by the electors at large of the state, and his com-

pensation shall be fixed by law, and his duties prescribed by law, and by the rules of the supreme court.—*Mont.* (1889), *Art.* 8.

Sec. 18. There shall be a clerk of the district court in each county, who shall be elected by the electors of his county. The clerk shall be elected at the same time and for the same term as the district judge. The duties and compensation of the said clerk shall be as provided by law.—*Mont.* (1889), *Art.* 8.

Art. 81. The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is a clerk, nor shall he draw any writ originating a civil action.—*N. H., Part 2, Art.* 81.

4. The secretary shall be the clerk of this court [of errors and appeals].—*N. J.* (1844), *Art.* 6, *Sec.* 2, *Cl.* 4.

4. The secretary of state shall be the clerk of this court [of impeachment].—*N. J.* (1844), *Art.* 6, *Sec.* 3, *Cl.* 4.

4. The secretary of state shall be the register of the prerogative court, and shall perform the duties required of him by law in that respect.—*N. J.* (1844), *Art.* 6, *Sec.* 4, *Cl.* 4.

Sec. 19. Clerks of the several counties shall be clerks of the supreme court, with such powers and duties as shall be prescribed by law. The justices of the appellate division in each department shall have power to appoint and to remove a clerk, who shall keep his office at a place to be designated by said justices. The clerk of the court of appeals shall keep his office at the seat of government. The clerk of the court of appeals and the clerk of the appellate division shall receive compensation to be established by law and paid out of the public treasury.—*N. Y.* (1894), *Art.* 6.

Sec. 15. The clerk of the supreme court shall be appointed by the court, and shall hold his office for eight years.—*N. C.* (1875), *Art.* 4.

Sec. 16. A clerk of the superior court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the general assembly.—*N. C.* (1875), *Art.* 4.

Sec. 17. Clerks of the superior courts shall hold their offices for four years.—*N. C.* (1875), *Art.* 4.

Sec. 29. In case the office of clerk of a superior court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the judge of the superior court for the county shall appoint to fill the vacancy until an election can be regularly held.—*N. C.* (1875), *Art.* 4.

Sec. 108. There shall be a clerk of the district court in each organized

county in which a court is holden who shall be elected by the qualified electors of the county, and shall hold his office for the same term as other county officers. He shall receive such compensation for his services as may be prescribed by law.—*N. Dak.* (1889), *Art.* 4.

Sec. 16. There shall be elected in each county, by the electors thereof, one clerk of the court of common pleas, who shall hold his office for the term of three years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein; but, the general assembly may provide, by law, for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court under such regulations as may be directed by law. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.—*Ohio* (1851), *Art.* 4.

Sec. 7. There shall be elected by the qualified electors of the state at each election for governor, a clerk of the supreme court, who shall be at least twenty-five years of age and a qualified elector of the state, and whose term shall be the same as that of the governor, and he shall give bond for faithful performance of his duty as may be prescribed by law.—*Okla.* (1907), *Art.* 7.

Sec. 15. A county clerk shall be elected in each county, for the term of two years, who shall keep all the public records, books and papers of the county, record conveyances, and perform the duties of clerk of the circuit and county courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed twelve hundred, the legislative assembly may authorize the election of one person as clerk of the circuit court, one person as clerk of the county court, and one person recorder of conveyances.—*Ore.* (1857), *Art.* 7.

Sec. 27. There shall be elected in each county, by the electors thereof, one clerk for the court of common pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other courts of record held therein, but the general assembly may provide by law for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the judge of the probate court to perform the duties of clerk for his court under such regulations as the general assembly may direct. Clerks of courts shall be removable for such cause and in such manner as shall be prescribed by law.—*S. C.* (1895), *Art.* 5.

Sec. 12. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof and who shall hold office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the supreme court not inconsistent with law. The legislature shall make provisions for the publication and distribution of the decisions of the supreme court, and for the sale of the published volumes thereof. No private person or corporation shall be allowed to secure any copyrights to such decisions,

but if any copyrights are secured they shall inure wholly to the benefit of the state.—*S. D.* (1889), *Art.* 5.

Sec. 32. There shall be a clerk of the circuit court in each organized county, who shall also be clerk of the county court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated bby the rules of the court consistent with the provisions of law.—*S. D.* (1889), *Art.* 5.

Sec. 13. Judges of the supreme court shall appoint their clerks, who shall hold their offices for six years. Chancellors shall appoint their clerks and masters, who shall hold their offices for six years. Clerks of inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof, for the term of four years. Any clerk may be removed from office for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.—*Tenn.* (1870), *Art.* 6.

Sec. 9. There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the state and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy the judge of the district court shall have the power to appoint a clerk who shall hold until the office can be filled by election.—*Tex.* (1875), *Art.* 5.

Sec. 22. The judges of the supreme court shall appoint a clerk of that court, who shall be removable at their pleasure, but the legislature may provide for the election of the clerk of the supreme court and prescribe the term of his office. The clerk of the supreme court shall receive such compensation, by salary only, as shall be provided by law.—*Wash.* (1889), *Art.* 4.

Sec. 26. The county clerk shall be, by virtue of his office, clerk of the superior court.—*Wash.* (1889), *Art.* 4.

Sec. 18. The voters of each county shall elect a clerk of the circuit court, whose term of office shall be six years; his duties and compensation and the manner of removing him from office shall be prescribed by law, and when a vacancy shall occur in the office, the circuit court or judge thereof, in vacation shall fill the same by appointment until the next general election. In any case in respect to which the clerk shall be so situated as to make it improper for him to act, the said court shall appoint a clerk to act therein. The clerks of said courts in office when this article takes effect, shall remain therein for the term for which they were elected, unless sooner removed in the manner prescribed by law.—*W. Va.* (1872), *Art.* 8.

Sec. 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law; in case of a vacancy the judge of the circuit court shall

have power to appoint a clerk until the vacancy shall be filled by an election; the clerk thus elected or appointed shall give such security as the legislature may require. The supreme court shall appoint its own clerk; and a clerk of the circuit court may be appointed a clerk of the supreme court.—*Wis.* (1848), *Art. 7 (Amdt. 1882)*.

Sec. 9. There shall be a clerk of the supreme court who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.—*Wyo.* (1889), *Art. 5*.

Sec. 13. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.—*Wyo.* (1889), *Art. 5*.

OFFICERS OF COURTS.

Sec. 163. Registers in chancery shall be appointed by the chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the chancellor making such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the state.—*Ala.* (1901), *Art. 6*.

Sec. 167. A solicitor for each judicial circuit or other territorial subdivision prescribed by the legislature, shall be elected by the qualified electors of those counties in such circuit or other territorial subdivisions in which such solicitor prosecutes criminal cases, and such solicitor shall be learned in the law, and shall at the time of his election and during his continuance in office, reside in a county (in the circuit) in which he prosecutes criminal cases, or other territorial subdivision for which he is elected, and his term of office shall be four years, and he shall receive no other compensation than a salary, to be prescribed by law, which shall not be increased during the term for which he was elected: *Provided*, That this article shall not operate to abridge the term of any solicitor now in office: *And, provided, further*, That the solicitors elected in the year nineteen hundred and four shall hold office for six years, and until their successors are elected and qualified: *And, provided, further*, That the legislature may provide by law for the appointment by the governor or the election by the qualified electors of a county for a solicitor for any county.—*Ala.* (1901), *Art. 6*.

Sec. 24. The qualified electors of each circuit shall elect a prosecuting attorney, who shall hold his office for the term of two years, and he shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected.—*Ark.* (1874), *Art. 7*.

Sec. 21. There shall be elected by the qualified electors of each judicial district, at the general election in the year nineteen hundred and four, and every four years thereafter, a district attorney for such district, whose term of office shall be four years, and whose duties and salary or compensation, either from the fees or emoluments of his office or from the general county fund, as shall be [as] provided by law. No person shall be eligible to the office of district attorney who shall not, at the time of his election, be at least twenty-five years of age and possess all the qualifications of judges of the district courts, as provided in this article. The term of office of the district attorneys serving in the several districts, at the time of the adoption of this amendment, is hereby extended to the second Tuesday of January, in the year A. D. 1905.—*Colo.* (1876), *Art. 6.*

Sec. 15. The governor, by and with the consent of the senate, shall appoint a state attorney in each judicial circuit, whose duties shall be prescribed by law, and who shall hold office for four years. There shall be elected in each county a sheriff, and a clerk of the circuit court, who shall also be clerk of the county court, except in counties where there are criminal courts, and of the board of county commissioners, and recorder and ex officio auditor of the county, each of whom shall hold office for four years. Their duties shall be prescribed by law.—*Fla.* (1885), *Art. 5.*

Sec. 11. Par. 1. There shall be a solicitor-general for each judicial circuit, whose official term, except when commissioned to fill an unexpired term, shall be four years.—*Ga.* (1877), *Art. 6.*

Sec. 11. There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years.—*Ind.* (1851), *Art. 7.*

Sec. 97. At the general election in eighteen hundred and ninety-two there shall be elected in each circuit court district a commonwealth's attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. In the year eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election in each county for a circuit court clerk, and for a commonwealth's attorney in each circuit court district, unless that office be abolished, who shall hold their respective offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.—*Ky.* (1881), *Sec. 97.*

Sec. 98. The compensation of the commonwealth's attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the state treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law; it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid

into the state treasury, and not until so collected and paid.—*Ky.* (1891), *Sec.* 98.

Sec. 121. No person shall be eligible to the office of clerk of the court of appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a judge of the court of appeals that he has been examined by him, or by the clerk of his court under his supervision, and that he is qualified for the office.—*Ky.* (1891), *Sec.* 121.

Art. 106. The sheriff of the parish in which the sessions of the court are held shall attend in person, or by deputy, to execute the orders of the court.—*La.* (1898), *Art.* 106.

Art. 125. There shall be a district attorney for each judicial district in the state, who shall be elected by the qualified electors of the judicial district at the same time and for the same term as is provided in article 109 for district judges. He shall receive a salary of one thousand dollars per annum, payable monthly on his own warrant. He shall be an actual resident of the district and a licensed attorney in this state.

He shall also receive fees; but no fee shall be allowed in criminal cases, except on conviction, which fees shall not exceed five dollars in cases of misdemeanor.

Any vacancy in the office of district attorney shall be filled by appointment by the governor for the unexpired term.—*La.* (1898), *Art.* 125.

Art. 129. The general assembly, at its first session after this constitution is adopted, shall provide a general fee bill, or bill of costs, regulating and fixing the fees and compensation allowed sheriffs, clerks and recorders, justices of the peace, constables, and coroners, in all civil matters. The general assembly may provide in all civil cases for the service of process and pleadings by the litigants themselves.—*La.* (1898), *Art.* 129.

Sec. 45. The general assembly shall provide a simple and uniform system of charges in the offices of clerks of courts and registers of wills, in the counties of this state and the city of Baltimore, and for the collection thereof: *Provided*, The amount of compensation to any of the said officers in the various counties shall not exceed the sum of three thousand dollars a year, and in the city of Baltimore thirty-five hundred dollars a year, over and above office expenses, and compensation to assistants: *And*, *Provided, further*, That such compensation of clerks, registers, assistants and office expenses shall always be paid out of the fees or receipts of the offices, respectively.—*Md.* (1867), *Art.* 3.

Sec. 11. In case of vacancy in the office of state's attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.—*Md.* (1867), *Art.* 5.

Sec. 174. A district attorney for each circuit court district shall be selected in the manner provided by law, whose term of office shall be four years, whose duties shall be prescribed by law, and whose compensation shall be a fixed salary.—*Miss.* (1890), *Art.* 6.

Sec. 23. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the general assembly, who shall hold office for the term of four years, and prosecute on behalf of the state, in all criminal actions in the superior courts, and advise the officers of justice in his district.—*N. C.* (1875), *Art.* 4.

Sec. 17. There shall be elected by districts comprised of one or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the state, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police, as the legislative assembly may direct.—*Ore.* (1857), *Art.* 7.

Sec. 7. For Philadelphia there shall be one prothonotary's office and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts, and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket, which shall contain the judgments and liens of all the said courts, as is or may be directed by law.—*Pa.* (1873), *Art.* 5.

Sec. 29. There shall be one solicitor for each circuit, who shall reside therein, to be elected by the qualified electors of the circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases when an attorney for the state of any circuit fails to attend and prosecute according to law, the court shall have power to appoint an attorney pro tempore. In the event of the establishment of county courts the general assembly may provide for one solicitor for each county in the place and instead of the circuit solicitor, and may prescribe his powers, duties and compensation.—*S. C.* (1895), *Art.* 5.

Sec. 24. The legislature shall have power to provide for state's attorneys and to prescribe their duties, and fix their compensation; but no person shall be eligible to the office of attorney general or state's attorney who shall not at the time of his election be at least twenty-five years of age and possess all the other qualifications for judges of circuit courts as prescribed in this article.—*S. D.* (1889), *Art.* 5.

Sec. 15. No person related to any judge of any court by affinity or consanguinity within the degree of first cousin, shall be appointed by such court or judge to, or employed by such court or judge in any office or duty in any court of which such judge may be a member.—*Utah* (1896), *Art.* 8.

Sec. 8. The officers of the supreme court of appeals, except the reporter, shall be appointed by the court, or in vacation by the judges thereof, with the power of removal; their duties and compensation shall be prescribed by law.—*W. Va.* (1872), *Art.* 8.

PROBATE COURTS.

(85) Sec. 13. *In each of the counties organized for judicial purposes there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers and duties of such courts shall be prescribed by law.*—*Mich.* (1850), *Art.* 6.

Sec. 149. The legislature shall have power to establish in each county a court of probate, with general jurisdiction of orphan's business and with power to grant letters testamentary and administration: *Provided*, That whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administration, executors, guardians and trustees, and including action upon the resignation of either of them.—*Ala.* (1901), *Art.* 6.

Sec. 34. The judge of the county court shall be the judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians and persons of unsound mind and their estates as is now vested in the circuit court, or may be hereafter prescribed by law. The regular terms of the court of probate shall be held at the times that may hereafter be prescribed by law.—*Ark.* (1874), *Art.* 7.

Sec. 35. Appeals may be taken from judgments and orders of the probate court to the circuit court under such regulations and restrictions as may be prescribed by law.—*Ark.* (1874), *Art.* 7.

Art. 9. The judges of probate shall be appointed by the electors residing in the several probate districts, and qualified to vote for representatives therein, in such manner as shall be prescribed by law.—*Conn.* (1818), *Amdt. Art.* 9.

Art. 21. Judges of probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1876, and biennially thereafter. Those persons elected judges of probate on the Tuesday after the first Monday of November, 1876, and those elected biennially thereafter, shall hold their offices for two years from and after the Wednesday after the first Monday of the next succeeding January. Those persons elected judges of probate on the first Monday of April, 1876, shall hold their offices only until the Wed-

nesday after the first Monday of January, 1877.—*Conn.* (1818), *Amdt.* Art. 21.

Sec. 11. The orphans' court in each county shall consist of the chancellor and the resident associate judge of the county. The chancellor when present shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, and in all matters affecting guardians or guardians' accounts, there shall be an appeal to the superior court for the county, which shall have final jurisdiction in every such case. Upon such appeal, if the associate judge sat in the cause below, he shall not sit in the superior court. In all other cases the decision of the orphans' court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this state in the orphans' court.—*Del.* (1897), *Art.* 4.

Sec. 33. The registers of wills of the several counties shall respectively hold the register's court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the state. Appeals may be taken from a register's court to the superior court, whose decision shall be final. In cases where a register of wills is interested in question concerning the probate of wills, the granting of letters of administration or executors' or administrators' accounts, the cognizance thereof shall belong to the orphans' court, with an appeal to the superior court, whose decision shall be final.—*Del.* (1897), *Art.* 4.

Sec. 34. An executor or administrator shall file every account with the register of wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor, or administrator, shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively, if residing within the state, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant or alleging further charges against him; and the exceptions shall be heard in the orphans' court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.—*Del.* (1897), *Art.* 4.

Sec. 6. Par. 1. The owners of a court of ordinary, and of probate, shall be vested in an ordinary for each county, from whose decisions there may be an appeal (or, by consent of parties, without a decision) to the superior court, under regulations prescribed by law.—*Ga.* (1877), *Art.* 6.

Sec. 6. Par. 2. The courts of ordinary shall have such powers in rela-

tion to roads, bridges, ferries, public buildings, paupers, county officers, county funds, county taxes, and other county matters as may be conferred on them by law.—*Ga.* (1877), *Art.* 6.

Sec. 6. Par. 3. The ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.—*Ga.* (1877), *Art.* 6.

Sec. 21. The probate courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and appointment of guardians; also jurisdiction to hear and determine all civil cases wherein the debt or damage claimed does not exceed the sum of five hundred dollars, exclusive of interest, and concurrent jurisdiction with justices of the peace in criminal cases.—*Idaho* (1889), *Art.* 5.

Sec. 20. The general assembly may provide for the establishment of a probate court in each county having a population of over fifty thousand, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlements of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.—*Ill.* (1870), *Art.* 6.

Sec. 8. There shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors and persons of unsound minds, as may be prescribed by law, and shall have jurisdiction in cases of habeas corpus. This court shall consist of one judge, who shall be elected by the qualified voters of the county, and hold his office two years. He shall be his own clerk, and shall hold court at such times, and receive for compensation such fees as may be prescribed by law.—*Kan.* (1859), *Art.* 3.

Sec. 10. All appeals from probate courts and justices of the peace shall be to the district court.—*Kan.* (1859), *Art.* 3.

Sec. 7. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in at the annual election, on the second Monday of September, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies concurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid, at the September election next after their occurrence; and in the meantime, the governor, with the advice and consent of the council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January thereafter.—*Mc.* (1819), *Art.* 6.

Sec. 41. There shall be a register of wills in each county of the state, and the city of Baltimore, to be elected by the legal and qualified voters

of said counties and city, respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for wilful neglect of duty, or misdemeanor in office in the same manner that the clerks of the court are removable. In the event of any vacancy in the office of the register of wills, said vacancy shall be filled by the judges of the orphans' court, in which such vacancy occurs, until the next general election for delegates to the general assembly, when a register shall be elected to serve for six years thereafter.—*Md.* (1867), *Art.* 4.

Art. 4. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.—*Mass.* (1780), *Part* 2, *Chap.* 3.

Sec. 7. There shall be established in each organized county in the state a probate court, which shall be a court of record, and be held at such time and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this constitution.—*Minn.* (1857), *Art.* 6.

Sec. 34. The general assembly shall establish in every county a probate court, which shall be a court of record, and consist of one judge, who shall be elected. Said court shall have jurisdiction over all matters pertaining to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians and the sale or leasing of lands by administrators, curators and guardians; and also jurisdiction over all matters relating to apprentices: *Provided*, That until the general assembly shall provide by law for a uniform system of probate courts, the jurisdiction of probate courts heretofore established shall remain as now provided by law.—*Mo.* (1875), *Art.* 6.

Sec. 35. Probate courts shall be uniform in their organization, jurisdiction, duties and practice, except that a separate clerk may be provided for, or the judge may be required to act, ex-officio, as his own clerk.—*Mo.* (1875), *Art.* 6.

Art. 79. All matters relating to the probate of wills and granting

letters of administration shall be exercised by the judges of probate in such manner as the legislature have directed or may hereafter direct; and the judges of probate shall hold their courts at such place or places, on such fixed days as the convenience of the people may require, and the legislature from time to time appoint.—*N. H., Part 2, Art. 79.*

Sec. 15. The existing surrogates' courts are continued, and the surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the county of New York, where they shall continue to be fourteen years. Surrogates and surrogates' courts shall have the jurisdiction and powers which the surrogates and existing surrogates' courts now possess, until otherwise provided by the legislature. The county judge shall be surrogate of his county, except where a separate surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate surrogate, the legislature may provide for the election of a separate officer to be surrogate, whose term of office shall be six years. When the surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. No county judge or surrogate shall hold office longer than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of county judge or surrogate shall be filled in the same manner as like vacancies occurring in the supreme court. The compensation of any county judge or surrogate shall not be increased or diminished during his term of office. For the relief of surrogates' courts the legislature may confer upon the supreme court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of surrogates, with authority to try issues of fact by jury in probate cases.—*N. Y. (1894), Art. 6.*

Sec. 16. The legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of county judge and of surrogate, in cases of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.—*N. Y. (1894), Art. 6.*

Sec. 7. There shall be established in each county, a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the voters of the county, who shall hold his office for the term of three years and shall receive such compensation payable out of the county treasury, or by fees, or both, as shall be provided by law.—*Ohio (1851), Art. 4.*

Sec. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdiction, in any county, or counties, as may be provided by law.—*Ohio (1851), Art. 4.*

Sec. 12. The county court shall have the jurisdiction pertaining to probate courts, and boards of county commissioners, and such other powers and duties, and such civil jurisdiction not exceeding the amount of value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary as may be prescribed by law. But the legislative assembly may provide for the election of two commissioners to sit with the county judge whilst transacting county business in any or all the counties, or may provide a separate board for transacting such business.—*Ore.* (1857), *Art.* 7.

Sec. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the general assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court, shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court and separate registers' courts are hereby abolished.—*Pa.* (1873), *Art.* 5.

Sec. 19. The court of probate shall remain as now established in the county of Charleston. In all other counties of the state the jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy, and persons non compos mentis, shall be vested as the general assembly may provide, and until such provision such jurisdiction shall remain in the court of probate as now established.—*S. C.* (1895), *Art.* 5.

Art. 17. Judges of probate shall be elected by the freemen of their respective probate districts.—*Vt.* (1793), (*Amtdt.*), *Art.* 17.

Sec. 101. The general assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law, in the matter of the admission of wills to probate, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.—*Va.* (1902), *Art.* 6.

Sec. 14. There shall be chosen in each county, by the qualified electors, thereof a judge of probate, who shall hold his office for two years, and until his successor shall be elected and qualified, and whose jurisdiction,

powers and duties shall be prescribed by law: *Provided, however, That the legislature shall have power to abolish the office of judge of probate in any county, and to confer probate powers upon such inferior courts as may be established in said county.*—*Wis. (1848), Art. 7.*

VACANCIES IN JUDICIAL OFFICES.

(86) Sec. 14. *When a vacancy occurs in the office of judge of the supreme, circuit or probate court, it shall be filled by appointment of the governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.*—*Mich. (1850), Art. 6.*

Sec. 158. Vacancies in the office of any of the justices of the supreme court or judges who hold office by election, or chancellors of this state, shall be filled by appointment by the governor. The appointee shall hold his office until the next general election for any state officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.—*Ala. (1901), Art. 6.*

Sec. 161. The legislature shall have power to provide for the holding of chancery and circuit courts, and for the holding of courts having the jurisdiction of circuit and chancery courts, or either of them, when the chancellors or judges thereof fail to attend regular terms.—*Ala. (1901), Art. 6.*

Sec. 9. In case all or any of the judges of the supreme court shall be disqualified from presiding in any cause or causes, the court or the disqualified judge shall certify the same to the governor, who shall immediately commission the requisite number of men learned in the law to sit in the trial and determination of such causes.—*Ark. (1874), Art. 7.*

Sec. 21. Whenever the office of judge of the circuit court of any county is vacant at the commencement of a term of such court, or the judge of said court shall fail to attend, the regular practicing attorneys in attendance on said court may meet at 10 o'clock a. m. on the second day of the term and elect a judge to preside at such court, or until the regular judge shall appear; and if the judge of said court shall become sick or die or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge or clerk of said court, elect a judge to preside at such court or to try said causes, and the attorney so elected shall have the same power and authority in said court as the regular judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceeding shall be entered at large upon the record. The special judge shall be learned in the law and a resident of the state.—*Ark. (1874), Art. 7.*

Sec. 29. All officers provided for in this article, excepting judges of the supreme court, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the supreme and district courts, by the governor; of district attorneys, by the judge of the court of the district for which such attorney was elected; and of all other judicial officers, by the board of county commissioners of the county wherein the vacancy occurs. Judges of the supreme, district and county courts appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified.—*Colo.* (1876), *Art.* 6.

Sec. 18. The governor shall have power to commission a judge ad litem for the purpose of constituting a quorum in the superior court, court of oyer and terminer, court of general sessions or supreme court, where by reason of legal exception to the chancellor or any judge or for other cause a quorum could not otherwise be had. The commission in such case shall confine the office to the cause, and it shall expire on the determination of the cause. The judge so appointed shall receive a reasonable compensation to be fixed by the general assembly. A member of congress, or any person holding or exercising an office under the United States, shall not be disqualified from being appointed a judge ad litem.—*Del.* (1897), *Art.* 4.

Sec. 33. When the office of any judge shall become vacant from any cause, the successor to fill such vacancy shall be appointed or elected only for the unexpired term of the judge whose death, resignation, retirement, or other cause created such vacancy.—*Fla.* (1885), *Art.* 5.

Sec. 4. Par. 9. The general assembly may provide by law for the appointment of some proper person to preside in cases where the presiding judge is, from any cause, disqualified.—*Ga.* (1877), *Art.* 6.

Sec. 5. Par. 1. In any county within which there is, or hereafter may be, a city court, the judge of said court, and of the superior court, may preside in the courts of each other in cases where the judge of either court is disqualified to preside.—*Ga.* (1877), *Art.* 6.

Sec. 2. Par. 2. When one or more of the judges are disqualified from deciding any case, by interest or otherwise, the governor shall designate a judge, or judges, of the superior courts to preside in said case.—*Ga.* (1877), *Art.* 6.

Sec. 19. All vacancies occurring in the offices provided for by this article of the constitution shall be filled as provided by law.—*Idaho* (1889), *Art.* 5.

Sec. 11. All the judicial officers provided for by this article shall be elected at the first election under this constitution, and shall reside in their respective townships, counties or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled

by appointment of the governor until the next regular election that shall occur more than thirty days after such vacancy shall have happened.—*Kan.* (1859), *Art.* 3.

Sec. 136. The general assembly shall provide by law for holding circuit courts when, from any cause, the judge shall fail to attend, or, if in attendance, cannot properly preside.—*Ky.* (1891), *Sec.* 136.

Sec. 5. After the election for judges, as hereinbefore provided, there shall be held in this state, in every fifteenth year thereafter, on the Tuesday after the first Monday in November of such year, an election for judges as herein provided; and in case of death, resignation, removal or disqualification by reason of age or otherwise of any judge, the governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next general election for members of the general assembly, when a successor shall be elected, whose term of office shall be the same as hereinbefore provided, and upon the expiration of the term of fifteen years for which any judge may be elected to fill a vacancy, an election for his successor shall take place at the next general election for members of the general assembly to occur upon or after the expiration of his said term; and the governor shall appoint a person duly qualified to hold said office from the expiration of such term of fifteen years until the election and qualification of his successor.—*Md.* (1867), *Art.* 4 (*Amdt.* 1881).

Sec. 10. In case the office of any judge become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.—*Minn.* (1857), *Art.* 6.

Sec. 151. All vacancies which may occur in said court from death, resignation, or removal shall be filled by appointment as aforesaid; but if a vacancy shall occur during the recess of the legislature, the governor shall appoint a successor, who shall hold his office until the end of the next session of the senate, unless his nomination shall be sooner rejected.—*Miss.* (1890), *Art.* 6.

Sec. 177. The governor shall have power to fill any vacancy which may happen during the recess of the senate in the office of judge or chancellor, by making a temporary appointment of an incumbent, which shall expire at the end of the next session of the senate, unless a successor shall be sooner appointed and confirmed by the senate. When a temporary appointment of a judge or chancellor has been made during the recess of the senate, the governor shall have no power to remove the person or appointee, nor power to withhold his name from the senate for their action.—*Miss.* (1890), *Art.* 6.

Sec. 32. In case the office of judge of any court of record become vacant by death, resignation, removal, failure to qualify, or otherwise,

such vacancy shall be filled in the manner provided by law.—*Mo.* (1875), *Art.* 6.

Sec. 34. Vacancies in the office of justice of the supreme court, or judge of the district court, or clerk of the supreme court, shall be filled by appointment, by the governor of the state, and vacancies in the offices of county attorneys, clerk of the district court, and justices of the peace shall be filled by appointment by the board of county commissioners of the county where such vacancy occurs. A person appointed to fill any such vacancy shall hold his office until his successor is elected and qualified. A person elected to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.—*Mont.* (1889), *Art.* 8.

Sec. 21. In case the office of any judge of the supreme court, or of any district court, shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor shall be elected and qualified, and such successor shall be elected for the unexpired term at the first general election that occurs more than thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article shall be filled by election, but when the unexpired term does not exceed one year the vacancy may be filled by appointment, in such manner as the legislature may provide.—*Neb.* (1875), *Art.* 6.

Sec. 17. The legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the state for more than ninety consecutive days, shall be deemed to have vacated his office.—*Nev.* (1864), *Art.* 6.

Sec. 4. The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of justice of the supreme court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the governor by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.—*N. Y.* (1894), *Art.* 6.

Sec. 98. Any vacancy happening by death, resignation or otherwise in the office of judge of the supreme court shall be filled by appointment, by the governor, which appointment shall continue until the first general election thereafter, when said vacancy shall be filled by election.—*N. Dak.* (1889), *Art.* 4.

Sec. 13. In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified; and such successor shall be elected for the unexpired

term, at the first annual election that occurs more than thirty days after the vacancy shall have happened.—*Ohio* (1851), *Art.* 4.

Sec. 4. Every vacancy in the office of judge of the supreme court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the governor shall fill the vacancy by appointment.—*Ore.* (1857), *Art.* 7.

Sec. 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.—*Pa.* (1873), *Art.* 5.

Sec. 5. In case of vacancy by death, resignation, removal from the state or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next annual election, and the judge then elected shall hold his office as before provided. In cases of impeachment or temporary absence, or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.—*R. I.* (1842), *Art.* 10.

Sec. 6. No judge shall preside at the trial of any cause in the event of which he may be interested, or when either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior court. In case all or any of the justices of the supreme court shall be thus disqualified, or be otherwise prevented from presiding in any cause or causes, the court or the justices thereof shall certify the same to the governor of the state, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the circuit and inferior courts as is prescribed in this section for cases of the supreme court. The general assembly shall provide by law for the temporary appointment of men learned in the law to hold either special or regular terms of the circuit courts whenever there may be necessity for such appointment.—*S. C.* (1895), *Art.* 5.

Sec. 37. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election as follows: All judges of the supreme court, circuit and county courts by the governor. All other judicial and other offices by the county board of the counties where the vacancy occurs; in cases of police magistrates, by the municipality.—*S. D.* (1889), *Art.* 5.

Sec. 28. Vacancies in the office of judges of the supreme court, the court of criminal appeals, the court of civil appeals, and district courts, shall be filled by the governor until the next succeeding general election, and vacancies in the office of county judge and justices of the peace

shall be filled by the commissioners' court until the next general election for such offices.—*Tex.* (1875), *Art.* 5 (*Amdt.* 1891).

Sec. 7. If from any cause a vacancy shall occur in the supreme court of appeals the governor shall issue a writ of election to fill such vacancy at the next general election for the residue of the term, and in the meantime he shall fill such vacancy by appointment until a judge is elected and qualified. But if the unexpired term be less than two years the governor shall fill such vacancy by appointment for the unexpired term.—*W. Va.* (1872), *Art.* 8.

Sec. 9. When a vacancy shall happen in the office of judge of the supreme or circuit court, such vacancy shall be filled by an appointment of the governor, which shall continue until a successor is elected and qualified; and when elected such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election for state or county officers, nor within thirty days either before, or after such election.—*Wis.* (1848), *Art.* 7.

Sec. 6. In case a judge of the supreme court shall be in any way interested in a cause brought before such court the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.—*Wyo.* (1889), *Art.* 5, *Sec.* 6.

FORFEITURE OF OFFICE BY ABSENCE.

Sec. 9. The legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office. The legislature of the state may, at any time, two-thirds of the members of the senate and two-thirds of the members of the assembly voting therefor, increase or diminish the number of judges of the superior court in any county, or city and county, in the state: *Provided*, That no such reduction shall affect any judge who has been elected.—*Cal.* (1880), *Art.* 6.

Sec. 37. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office.—*Mont.* (1889), *Art.* 8.

Sec. 27. Any judicial officer who shall absent himself from the state or district for more than ninety consecutive days, shall be deemed to have forfeited his office: *Provided*, That in case of extreme necessity, the governor may extend the leave of absence to such time as the necessity therefor shall exist.—*Utah* (1896), *Art.* 8.

Sec. 8. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: *Provided*, That in cases of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.—*Wash.* (1889), *Art.* 4, *Sec.* 8.

COURTS OF RECORD.

(87) Sec. 15. *The supreme court, the circuit and probate courts of each county shall be courts of record, and shall each have a common seal.*—*Mich.* (1850), *Art.* 6.

Sec. 12. The supreme court, the superior court, and such other courts as the legislature shall prescribe, shall be courts of record.—*Cal.* (1880), *Art.* 6.

Sec. 25. The supreme and district courts shall be courts of record.—*Mont.* (1889), *Art.* 8.

Sec. 17. The supreme and district courts shall be courts of record and each shall have a seal.—*Utah* (1896), *Art.* 8.

Sec. 11. The supreme court and the superior courts shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.—*Wash.* (1889), *Art.* 4.

CIRCUIT COURT COMMISSIONERS.

(88) Sec. 16. *The legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.*—*Mich.* (1850), *Art.* 6.

Sec. 14. A circuit judge may appoint in each county in his circuit one or more attorneys at law, to be court commissioners, who shall have power in the absence from the county of the circuit judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the circuit judge. Their orders in such matters may be reviewed by the circuit judge, and confirmed, qualified or vacated. They may be removed by the circuit judge. The legislature may confer upon them further powers, not judicial, and shall fix their compensation.—*Fla.* (1885), *Art.* 5.

Sec. 15. The legislature may provide for the election of one person in each organized county in this state, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon the judges of probate in the state.—*Minn.* (1857), *Art.* 6.

Sec. 23. There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.—*Wash.* (1889), *Art.* 4.

Sec. 14. The legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden, such commissioners shall have authority to perform such chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.—*Wyo.* (1889), *Art.* 5.

Sec. 23. The legislature may provide for the appointment of one or more persons in each organized county, and may vest in such persons such judicial powers as shall be prescribed by law: *Provided*, That said power shall not exceed that of a judge of a circuit court at chambers.—*Wis.* (1848), *Art.* 7.

JUSTICES OF THE PEACE.

(89) Sec. 17. *There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships and shall hold their offices for four years and until their successors are elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The legislature may increase the number of justices in cities.*—*Mich.* (1850), *Art.* 6.

Sec. 168. In each precinct not lying within, or partly within, any city or incorporated town of more than fifteen hundred inhabitants, there shall be elected by the qualified electors of such precinct not exceeding two justices of the peace, and one constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than fifteen hundred inhabitants, the legislature may provide by law for the election of not more than two justices of the peace and one constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all justices of the peace therein. Justices of the peace, and the inferior courts in this section provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed one hundred dollars, except in cases of libel, slander, assault and battery and ejection. The legislature may provide by law what fees may be charged by justices of the peace and constables, which fees shall be uniform throughout the state. The right of appeal from any judgment of a justice of the peace, or from any inferior court authorized by this section, without the prepayment of costs, and also the term of office of such justices, and of the judges of such inferior courts, and of notaries public, shall be provided for by law. The governor may appoint notaries public without the powers of a justice of the peace, and may, except where otherwise provided by an act of the legislature, appoint not more than one notary public with all of the powers and jurisdiction of a justice of the peace for each precinct in which the election of justices of the peace shall be authorized.—*Ala.* (1901), *Art.* 6.

Sec. 38. The qualified electors of each township shall elect the justices of the peace for the term of two years, who shall be commissioned by the governor, and their official oath shall be indorsed on the commission.—*Ark.* (1874), *Art.* 7.

Sec. 39. For every two hundred electors there shall be elected one justice of the peace, but every township, however small, shall have two justices of the peace.—*Ark.* (1874), *Art.* 7.

Sec. 41. A justice of the peace shall be a qualified elector and a resident of the township for which he is elected.—*Ark.* (1874), *Art.* 7.

Sec. 11. The legislature shall determine the number of justices of the peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of justices of the peace: *Provided*, Such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the superior courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.—*Cal.* (1880), *Art.* 6.

Sec. 11. There shall be elected at the same time at which members of the general assembly are elected, beginning with the year nineteen hundred and four, two justices of the peace and two constables in each precinct in each county, who shall hold their office for a term of two years: *Provided*, That in precincts containing fifty thousand (50,000) or more inhabitants, the number of justices and constables may be increased as provided by law. The term of offices of all justices of the peace that expires in January, 1904, is hereby extended to the second Tuesday in January, 1905. This section shall govern, except as hereinafter otherwise expressly directed or permitted by constitutional enactment.—*Colo.* (1876), *Art.* 14.

Sec. 26. The general assembly shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary or expedient; who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.—*Colo.* (1876), *Art.* 6.

Art. 10. The justices of the peace for the several towns in this state shall be appointed by the electors in such towns; and the time and manner of their election, the number for each town, and the period for which they shall hold their offices, shall be prescribed by law.—*Conn.* (1818), (*Amdt.*) *Art.* 10.

Sec. 31. There shall be appointed, as hereinafter provided, such number of persons to the office of justice of the peace as shall be directed by law, who shall be commissioned for four years.—*Del.* (1897), *Art.* 4.

Sec. 32. Justices of the peace and the judges of such courts as the general assembly may establish pursuant to the provisions of section 1 or section 30 of this article shall be appointed by the governor, by and with the consent of a majority of all the members elected to the senate, for such terms as shall be fixed by this constitution or by law.—*Del.* (1897), *Art.* 4.

Sec. 21. The county commissioners of each county shall divide it into as many justice districts, not less than two, as they may deem necessary. There shall be elected one justice of the peace for each of the said districts. He shall hold his office for four years.—*Fla.* (1885), *Art.* 5.

Sec. 7. Par. 1. There shall be in each militia district one justice of the peace, whose official term, except when elected to fill an unexpired term, shall be four years.—*Ga.* (1877), *Art.* 6.

Sec. 7. Par. 3. Justices of the peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the governor. They shall be removable on conviction for malpractice in office.—*Ga.* (1877), *Art.* 6.

Sec. 22. In each county of this state there shall be elected justices of the peace as prescribed by law. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, exclusive of interest, nor where the boundaries or title to any real property shall be called in question.—*Idaho* (1889), *Art.* 5.

Sec. 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.—*Ill.* (1870), *Art.* 6.

Sec. 28. All justices of the peace in the city of Chicago shall be appointed by the governor, by and with the advice and consent of the senate (but only upon the recommendation of a majority of the judges of the circuit, superior and county courts), and for such districts as are now or shall hereafter be provided by law. They shall hold their offices for four years, and until their successors have been commissioned and qualified, but they may be removed by summary proceeding in the circuit or superior court, for extortion or other malfeasance. Existing justices of the peace and police magistrates may hold their offices until the expiration of their respective terms.—*Ill.* (1870), *Art.* 6.

Sec. 14. A competent number of justices of the peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.—*Ind.* (1851), *Art.* 7.

Sec. 9. Two justices of the peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties

shall be prescribed by law. The number of justices of the peace may be increased in any township by law.—*Kan.* (1859), *Art.* 3.

Sec. 142. Each county now existing, or which may hereafter be created, in this state shall be laid off into districts in such manner as the general assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one justice of the peace shall be elected as provided in section ninety-nine. The general assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of justices of the peace shall be co-extensive with the county, and shall be equal and uniform throughout the state. Justices of the peace shall be conservators of the peace. They shall be commissioned by the governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.—*Ky.* (1891), *Sec.* 142.

Sec. 143. A police court may be established in each city and town in this state, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as justices of the peace have. The said courts may be authorized to act as examining courts, but shall have no civil jurisdiction: *Provided*, The general assembly may confer civil jurisdiction on police courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the state, and not exceed that of justices of the peace.—*Ky.* (1891), *Sec.* 143.

Art. 126. In each parish, the parish of Orleans excepted, there shall be as many justices of the peace as may be provided by law. The present number of justices of the peace shall remain as now fixed until otherwise provided. They shall be freeholders and qualified electors and possess such other qualifications as may be prescribed by law. They shall be elected for the term of four years by the qualified voters within the territorial limits of their jurisdiction.

They shall have exclusive original jurisdiction in all civil matters, when the amount in dispute shall not exceed fifty dollars, exclusive of interest, and original jurisdiction concurrent with the district court when the amount in dispute shall exceed fifty dollars, exclusive of interest, and shall not exceed one hundred dollars, exclusive of interest; including suits for the ownership or possession of movable property not exceeding said amounts in value, and suits by landlords for possession of leased premises, when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed said amounts. They shall have no jurisdiction in succession or probate matters, or when a succession is a defendant, or when the state, parish or any municipality or other political corporation, is a party defendant, or when title to real estate is involved. They shall receive such fees in civil matters as may be fixed by law. They shall have criminal jurisdiction as committing magistrates, and shall have power to bail or discharge in cases not capital or necessarily punishable at hard labor. The general

assembly may by general or special laws invest justices of the peace in general or in any particular parish or parishes with criminal jurisdiction over misdemeanors to be tried with a jury composed of not more than five nor less than three persons, in such manner as may be provided by law, with the right of appeal to the district court in all cases, not appealable to the supreme court, as hereinbefore provided for.—*La.* (1898), *Art.* 126.

Art. 128. Justices of the peace and constables shall receive no fees in criminal matters, including peace bond cases, but, in lieu thereof such salaries as may be fixed by the police jury, and paid by the parish, which salaries shall be graded.—*La.* (1898), *Art.* 128.

Sec. 5. Justices of the peace and notaries public, shall hold their offices during seven years, if they so long behave themselves well, at the expiration of which term, they may be reappointed or others appointed, as the public interest may require.—*Me.* (1819), *Art.* 6.

Sec. 42. The governor, by and with the advice and consent of the senate, shall appoint such number of justices of the peace, and the county commissioners of the several counties, and the mayor and city council of Baltimore, respectively, shall appoint such number of constables, for the several election districts of the counties and wards of the city of Baltimore, as are now or may hereafter be prescribed by law; and justices of the peace and constables so appointed shall be subject to removal by the judge or judges having criminal jurisdiction in the county or city, for incompetency, wilful neglect of duty, or misdemeanor in office, on conviction in a court of law. The justices of the peace and constables so appointed and commissioned shall be conservators of the peace; shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal in all cases from the judgment of justices of the peace, as hath been heretofore exercised, or shall be hereafter prescribed by law.—*Md.* (1867), *Art.* 4.

Sec. 43. In the event of a vacancy in the office of a justice of the peace, the governor shall appoint a person to serve as justice of the peace for the residue of the term; and in case of a vacancy in the office of constable, the county commissioners of the county in which the vacancy occurs, or the mayor and city council of Baltimore, as the case may be, shall appoint a person to serve as constable for the residue of the term.—*Md.* (1867), *Art.* 4.

Art. 3. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.—*Mass.* (1789), *Part* 2, *Chap.* 3.

Sec. 8. The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law: *Provided*, That no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine over one hundred dollars, nor in any cause involving the title to real estate.—*Minn.* (1857), *Art.* 6.

Sec. 171. A competent number of justices of the peace and constables shall be chosen in each county in the manner provided by law, for each district, who shall hold their office for the term of four years. No person shall be eligible to the office of justice of the peace who shall not have resided two years in the district next preceding his selection. The jurisdiction of justices of the peace shall extend to causes in which the principal amount in controversy shall not exceed the sum of two hundred dollars; and they shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; but the legislature may confer on the justices of the peace exclusive jurisdiction in such petty misdemeanors as it shall see proper. In all causes tried by a justice of the peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice of the peace shall preside at the trial of any cause where he may be interested, or the parties or either of them shall be connected with him by affinity or consanguinity, except by the consent of the justice of the peace and of the parties.—*Miss.* (1890), *Art.* 6.

Sec. 37. In each county three shall be appointed, or elected, as many justices of the peace as the public good may require, whose powers, duties and duration in office shall be regulated by law.—*Mo.* (1875), *Art.* 6.

Sec. 20. There shall be elected in each organized township of each county by the electors of such township at least two justices of the peace, who shall hold their offices except as otherwise provided in this constitution, for the term of two years. Justices courts shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this constitution otherwise provided: *Provided*, That they shall not have jurisdiction in any case where the debt, damage, claim, or value of the property involved exceeds the sum of three hundred dollars.—*Mont.* (1889), *Art.* 8.

Sec. 18. Justices of the peace and police magistrates shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law: *Provided*, That no justice of the peace shall have jurisdiction of any civil case where the amount in controversy shall exceed two hundred dollars; nor in a criminal case where the punishment may exceed three months imprisonment, or a fine of over one hundred dollars; nor in any matter wherein the title or boundaries of land may be in dispute.—*Neb.* (1875), *Art.* 6.

Sec. 8. The legislature shall determine the number of justices of the peace to be elected in each city and township of the state, and shall fix, by law, their powers, duties and responsibilities: *Provided*, That such justices' courts shall not have jurisdiction of the following cases, viz: First—Of cases in which the matter in dispute is a money demand or personal property, and the amount of the demand (exclusive of interest) or the value of the property exceeds three hundred dollars. Second—Of cases where in the title to real estate or mining claims, or questions of boundaries to land, is or may be involved; or of cases that in any manner shall conflict with the jurisdiction of the several courts of record in this state: *And Provided further*, That justices' courts shall have such criminal jurisdiction as may be prescribed by law; and the legislature may confer upon said courts jurisdiction concurrent with the district courts, of actions to enforce mechanics' liens wherein the amount (exclusive of interest) does not exceed three hundred dollars; and also of actions for the possession of lands and tenements, where the relation of landlord and tenant exists, or when such possession has been unlawfully or fraudulently obtained or withheld. The legislature shall also prescribe by law the manner and determine the cases in which appeals may be taken from justices and other courts. The supreme court, the district courts, and such other courts as the legislature shall designate, shall be courts of records.—*Nev.* (1864), *Art. 6.*

Art. 74. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail in discharging the important duties of his office with ability and fidelity, all commissions of justices of the peace shall become void at the expiration of five years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the state.—*N. H., Part 2, Art. 74.*

1. There may be elected under this constitution two, and not more than five, justices of the peace in each of the townships of the several counties of this state, and in each of the wards, in cities that may vote in wards. When a township or ward contains two thousand inhabitants or less, it may have two justices; when it contains more than two thousand inhabitants, and not more than four thousand, it may have four justices; and when it contains more than four thousand inhabitants, it may have five justices: *Provided*, That whenever any township not voting in wards contains more than seven thousand inhabitants, such township may have an additional justice for each additional three thousand inhabitants above four thousand.—*N. J.* (1844), *Art. 6, Sec. 7, Cl. 1.*

8. Justices of the peace shall be elected by ballot at the annual meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards, in such manner and under such regulations as may be hereafter provided by law.

They shall be commissioned for the county, and their commissions

shall bear date and take effect on the first day of May next after their election.

They shall hold their offices for five years; but when elected to fill vacancies, they shall hold for the unexpired term only: *Provided*, That the commission of any justice of the peace shall become vacant upon his ceasing to reside in the township in which he was elected.

The first election for justices of the peace shall take place at the next annual town-meetings of the townships in the several counties of the state, and of the wards in cities that may vote in wards.—*N. J.* (1844), *Art. 7, Sec. 2, Cl. 8.*

Sec. 17. The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the peace and judges or justices of inferior courts not of record, and their clerks may be removed for cause, after due notice and an opportunity of being heard, by such courts as are or may be prescribed by law. Justices of the peace and district court justices may be elected in the different cities of this state in such manner, and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by the local authorities thereof.—*N. Y.* (1894), *Art. 6.*

Sec. 28. When the office of justice of the peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the clerk of the superior court for the county shall appoint to fill the vacancy for the unexpired term.—*N. C.* (1875), *Art. 4.*

Sec. 11. The governor shall appoint a sufficient number of justices of the peace in each county, who shall hold their places until sections four, five and six of this article shall have been carried into effect.—*N. C.* (1875), *Art. 7.*

Sec. 112. The legislative assembly shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such a number as shall be necessary for the the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions when the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and in counties where no county court with criminal jurisdiction exists they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come in question. The legislative assembly shall have power to abolish the office

of justice of the peace and confer that jurisdiction upon judges of county courts or elsewhere.—*N. Dak.* (1889), *Art.* 4.

Sec. 113. The legislative assembly shall provide by law for the election of police magistrates in cities, incorporated towns, and villages, who in addition to their jurisdiction of all cases arising under the ordinances of said cities, towns and villages, shall be ex-officio justices of the peace of the county in which said cities, towns and villages may be located. And the legislative assembly may confer upon said police magistrates the jurisdiction to hear, try and determine all cases of misdemeanors, and the prosecutions therein shall be by information.—*N. Dak.* (1889), *Art.* 4.

Sec. 9. A competent number of justices of the peace shall be elected, by the electors, in each township in the several counties. Their term of office shall be three years, and their powers and duties shall be regulated by law.—*Ohio* (1851), *Art.* 4.

Sec. 18. The office of justice of the peace is hereby created, and, until otherwise provided by law, courts of justices of the peace shall have, co-extensive with the county, jurisdiction as examining the committing magistrates in all felony cases, and shall have jurisdiction, concurrent with the county court, in civil cases where the amount involved does not exceed two hundred dollars, exclusive of interest and costs, and concurrent jurisdiction with the county court in all misdemeanor cases in which the punishment does not exceed a fine of two hundred dollars or imprisonment in the county jail for not exceeding thirty days, or both such fine and imprisonment; but justices of the peace shall in no event have jurisdiction in actions for libel and slander. Until otherwise provided by law, appeals shall be allowed from judgments of the court of justices of the peace in all civil cases to the county court to the manner now provided by the laws of the territory of Oklahoma governing appeals from the courts of justices of the peace to the district court. In cities of more than two thousand and five hundred inhabitants, two justices of the peace shall be elected.—*Okla.* (1907), *Art.* 7.

Sec. 11. Except as otherwise provided in this constitution, justices of the peace or aldermen, shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace, or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.—*Pa.* (1873), *Art.* 5.

Sec. 12. In Philadelphia there shall be established, for each thirty

thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of said magistrates, no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries to be paid by said county and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction, or conferring political duties as may be made by law. In Philadelphia the office of alderman is abolished.—*Pa.* (1873), *Art.* 5.

Sec. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.—*Pa.* (1873), *Art.* 5.

Sec. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.—*R. I.* (1842), *Art.* 10.

Sec. 20. A sufficient number of magistrates shall be appointed and commissioned by the governor, by and with the advice and consent of the senate, for each county, who shall hold their offices for the term of two years and until their successors are appointed and qualified. Each magistrate shall have the power, under such regulations as may now or hereafter be provided by law, to appoint one or more constables to execute writs and processes issued by him. The present trial justices are declared magistrates as herein created, and shall exercise the powers and duties of said office of magistrate until their successors shall be appointed and qualified. Each magistrate shall receive a salary, to be fixed by the general assembly, in lieu of all fees in criminal cases.—*S. C.* (1895), *Art.* 5.

Sec. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question.—*S. D.* (1889), *Art.* 5.

Sec. 23. The legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively and such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.—*S. D.* (1889), *Art.* 5.

Sec. 15. The different counties of this state shall be laid off, as the general assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four

for every one hundred square miles. There shall be two justices of the peace and one constable elected in each district, by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables. The jurisdiction of said officers shall be co-extensive with the county. Justices of the peace shall be elected for the term of six, and constables for the term of two years. Upon removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the peace shall be commissioned by the governor. The legislature shall have power to provide for the appointment of an additional number of justices of the peace in incorporated towns.—*Tenn.* (1870), *Art.* 6.

Sec. 18. Each organized county in the state, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court provided for by this constitution. In each such precinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years and until his successor shall be elected and qualified: *Provided*, That in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioner's court, which shall exercise such powers and jurisdiction over all county business as is conferred by this constitution and the laws of the state, or as may be hereafter prescribed.—*Tex.* (1875), *Art.* 5.

Sec. 8. The legislature shall determine the number of justices of the peace to be elected, and shall fix by law their powers, duties and compensation. The jurisdiction of justices of the peace shall be as now provided by law, but the legislature may restrict the same.—*Utah* (1896), *Art.* 8.

Art. 18. Justices of the peace shall be elected by the freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of justices of the peace not exceeding five; towns having one thousand, and less than two thousand inhabitants, may elect seven; towns having two thousand and less than three thousand inhabitants, may elect ten; towns having three thousand and less than five thousand inhabitants, may elect twelve; and towns having five thousand or more, inhabitants, may elect fifteen justices of the peace.—*Vt.* (1793), *Amdt.* *Art.* 18.

Sec. 108. The general assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.—*Va.* (1902), *Art.* 6.

Sec. 10. The legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: *Provided*, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.—*Wash.* (1889), *Art.* 4.

Sec. 27. Each county shall be laid off into districts, not less than three or more than ten in number, and as nearly equal as may be in territory and population. There shall be elected in each district containing a population not exceeding twelve hundred, one justice of the peace, and if the population exceeds that number, two justices shall be elected therein. Every justice shall reside in the district for which he was elected and hold his office for the term of four years, unless sooner removed in the manner prescribed by law. The districts as they now exist shall remain till changed by the county court.—*W. Va.* (1872), *Art.* 8.

Sec. 15. The electors of the several towns, at their annual town meeting, and of the electors of cities and villages, at their charter elections, shall in such manner as the legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy, occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices, thus elected, shall have such civil and criminal jurisdiction as shall be prescribed by law.—*Wis.* (1848), *Art.* 7.

Sec. 22. The legislature shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.—*Wyo.* (1889), *Art.* 5, *Sec.* 22.

JURISDICTION OF JUSTICES.

(90) Sec. 18. *In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent juris-*

diction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall have also such criminal jurisdictions and perform such duties as shall be prescribed by the legislature.—Mich. (1850), Art. 6.

Sec. 30. The justices of the peace of each county shall sit with and assist the county judges in levying the county taxes, and in making appropriations for the expenses of the county in the manner to be prescribed by law; and the county judge together with a majority of said justices, shall constitute a quorum for such purposes; and in the absence of the county judge a majority of the justices of the peace may constitute the court, who shall elect one of their number to preside. The general assembly shall regulate by law the manner of compelling the attendance of such quorum.—Ark. (1874), Art. 7.

Sec. 40. They shall have original jurisdiction in the following matters: First, exclusive of the circuit court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest, and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest; second, concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of three hundred dollars, and in all matters of damage to personal property where the amount in controversy does not exceed the sum of one hundred dollars; third, such jurisdiction of misdemeanors as is now, or may be, prescribed by law; fourth, to sit as examining courts and commit, discharge or recognize offenders to the court having jurisdiction for further trial, and to bind persons to keep the peace or for good behavior; fifth, for the foregoing purposes they shall have power to issue all necessary process; sixth, they shall be conservators of the peace within their respective counties, provided a justice of the peace shall not have jurisdiction where a lien on land or title or possession thereto is involved.—Ark. (1874), Art. 7.

Sec. 42. Appeals may be taken from the final judgment of the justices of the peace to the circuit courts under such regulations as are now, or may be, provided by law.—Ark. (1874), Art. 7.

Sec. 43. Corporation courts for towns and cities may be invested with jurisdiction concurrent with justices of the peace in civil and criminal matters, and the general assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offenses not punishable by death or imprisonment in the penitentiary, with or without indictment, as may be provided by law, and, until the general assembly shall otherwise provide, they shall have the jurisdiction now provided by law.—Ark. (1874), Art. 7.

Sec. 25. Justices of the peace shall have such jurisdiction as may be conferred by law; but they shall not have jurisdiction of any case wherein the value of the property or the amount in controversy exceeds the sum of three hundreds dollars, nor where the boundaries or title to real property shall be called in question.—Colo. (1876), Art. 6.

Sec. 30. The general assembly may by law give to any inferior courts by it established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say; assaults and batteries, keeping without license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey or spirituous or mixed liquors, contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the general assembly may from time to time, with the concurrence of two-thirds of all the members elected to each house prescribe.

The general assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the court of general sessions: *Provided, however*, That there shall be an appeal to the court of general sessions in all cases in which the sentence shall be imprisonment exceeding one month, or a fine exceeding one hundred dollars.—*Del.* (1897), *Art.* 4.

Sec. 22. The justices of the peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed \$100.00 and in which the cause of action accrued or the defendant resides in his district; and in such criminal cases, except felonies, as may be prescribed by law, and he shall have power to issue process for the arrest of all persons charged with felonies and misdemeanors not within his jurisdiction to try, and make the same returnable before himself or the county judge for examination, discharge, commitment or bail of the accused. Justices of the peace shall have the power to hold inquests of the dead. Appeal from justices of the peace courts in criminal cases may be tried de novo under such regulations as the legislature may prescribe.—*Fla.* (1885), *Art.* 5 (*Amdt.* 1896).

Sec. 7. Par. 2. Justices of the peace shall have jurisdiction in all civil cases, arising ex contractu, and in cases of injury or damage to personal property, when the principal sum does not exceed one hundred dollars, and shall sit monthly at fixed times and places; but in all cases there may be an appeal to a jury in said court, or an appeal to the superior court, under such regulations as may be prescribed by law.—*Ga.* (1877), *Art.* 6.

Sec. 1. The jurisdiction of justices of the peace shall extend to all civil cases (except cases in chancery, and cases, where the question of title to real estate may arise), where the amount in controversy does not does exceed one hundred dollars, and by the consent of parties may be extended to any amount, not exceeding three hundred dollars.—*Iowa* (1857), *Art.* 11.

Sec. 21. Justices courts shall not have jurisdiction in any case involving the title or right of possession of real property, nor in cases of divorce, nor for annulment of marriage, nor of cases in equity; nor shall they have power to issue writs of habeas corpus, mandamus, certiorari, quo warranto injunction, or prohibition, nor the power of nat-

uralization; nor shall they have jurisdiction in cases of felony, except as examining courts; nor shall criminal cases in said courts be prosecuted by indictment; but said courts shall have such jurisdiction in criminal matters, not of the grade of felony, as may be provided by law; and shall also have concurrent jurisdiction with the district courts, in cases of forcible entry and unlawful detainer.—*Mont.* (1889), *Art.* 8.

Sec. 22. Justices courts shall always be open for the transaction of business, except on legal holidays and non-judicial days.—*Mont.* (1889), *Art.* 8.

Sec. 23. Appeals shall be allowed from justices' courts in all cases, to the district courts, in such manner and under such regulations as may be prescribed by law.—*Mont.* (1889), *Art.* 8.

Art. 76. The general court are empowered to give to justices of the peace jurisdiction in civil causes, when the damages demanded shall not exceed one hundred dollars, and title of real estate is not concerned, but with right of appeal to either party to some other court.—*N. H., Part 2, Art.* 76.

Sec. 27. The several justices of the peace shall have jurisdiction, under such regulations as the general assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the general assembly may give to justices of the peace jurisdiction of other civil actions, where in the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the superior court from the same. In all cases of a criminal nature, the party against whom the judgment is given may appeal to the superior court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings and file same with the clerk of the superior court of his county.—*N. C.* (1875), *Art.* 4.

Sec. 21. Magistrates shall have jurisdiction in such civil cases as the general assembly may prescribe: *Provided*, Such jurisdiction shall not extend to cases where the value of property in controversy, or the amount claimed, exceeds one hundred dollars, or to cases where the title to real estate is in question, or to cases in chancery. They shall have exclusive jurisdiction in such criminal cases as the general assembly may prescribe: *Provided, further*, Such jurisdiction shall not extend to cases where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days. In criminal matters beyond their jurisdiction to try, they shall sit as examining courts, and commit, discharge or (except in capital cases) recognize persons charged with such offences, subject to such regulations as the general assembly may

provide. They shall also have the power to bind over to keep the peace and for good behavior for a time not to exceed twelve months.—*S. C.* (1895), *Art.* 5.

Sec. 23. Every civil action cognizable by magistrates shall be brought before a magistrate in the county where the defendant resides, and every criminal action in the county where the offence was committed. In all cases tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law: *Provided*, That in counties where magistrates have separate and exclusive territorial jurisdiction, criminal causes shall be tried in the magistrate's district where the offence was committed, subject to such provision for change of venue from one magistrate's district to another in the same county as may be provided by the general assembly.—*S. C.* (1895), *Art.* 5.

Sec. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the county courts shall be allowed in all cases decided in justices' courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be ex officio notaries of public; and they shall hold their courts at such times and places as may be provided by law.—*Tex.* (1875), *Art.* 5.

Sec. 28. The civil jurisdiction of a justice of the peace shall extend to the actions of assumpsit, debt, detinue and trover, if the amount claimed, exclusive of interest, does not exceed three hundred dollars. The jurisdiction of justices of the peace shall extend throughout their county; they shall be conservators of the peace and have such jurisdiction and powers in criminal cases as may be prescribed by law. And justices of the peace shall have authority to take the acknowledgment of deeds and other writings; administer oaths; and take and certify depositions. And the legislature may give to justices such additional civil jurisdiction and powers within their respective counties as may be deemed expedient, under such regulations and restriction as may be prescribed by general law, except that in suits to recover money or damages their jurisdiction and powers shall in no case exceed three hundred dollars. Appeals shall be allowed from judgments of justices of the peace in such manner as may be prescribed by law.—*W. Va.* (1872), *Art.* 8.

Sec. 23. Appeals shall lie from the final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.—*Wyo.* (1889), *Art.* 5.

CONSERVATORS OF THE PEACE.

(91) Sec. 19. *Judges of the supreme court, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdiction.*—*Mich.* (1850), *Art.* 6.

Sec. 157. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.—*Ala.* (1901), *Art.* 6.

Sec. 1. The chancellor, judges and attorney general shall be conservators of the peace throughout the state; and the sheriffs and coroners shall be conservators of the peace within the counties respectively in which they reside.—*Del.* (1897), *Art.* 15.

Sec. 36. All judicial officers in this state shall be conservators of the peace.—*Fla.* (1885), *Art.* 5.

Sec. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.—*Ind.* (1851), *Art.* 7.

Sec. 7. The judges of the supreme and district courts shall be conservators of the peace throughout the state.—*Iowa* (1857), *Art.* 5.

Art. 90. All judges by virtue of their office, shall be conservators of the peace throughout the state. The style of all process shall be "The state of Louisiana." All prosecutions shall be carried on in the name and by the authority of the state of Louisiana, and conclude: "Against the peace and dignity of the same."—*La.* (1898), *Art.* 90.

Sec. 6. All judges shall, by virtue of their offices be conservators of the peace throughout the state; and no fees, or perquisites, commission or reward of any kind, shall be allowed to any judge in this state, besides his annual salary, for the discharge of any judicial duty.—*Md.* (1867), *Art.* 4.

Sec. 167. All civil officers shall be conservators of the peace, and shall be by law vested with ample power as such.—*Miss.* (1890), *Art.* 6.

Sec. 11. All vacancies in the supreme court or inferior tribunals shall be filled by elections as herein prescribed: *Provided*, That if the unexpired term does not exceed one year such vacancy may be filled by executive appointment. All judges, by virtue of their office, shall be conservators of the peace throughout the state; and when a vacancy is filled by either appointment or election, the incumbent shall hold only for the unexpired term of his predecessor.—*S. C.* (1895), *Art.* 5, *Sec.* 11.

Sec. 12. All judges of courts of this state [shall], by virtue of their office, be conservators of the peace throughout the state. The style of all writs and process shall be, "The state of Texas." All prosecutions shall be carried on in the name and by authority of the state of

Texas, and shall conclude "against the peace and dignity of the state."
—*Tex.* (1875), *Art. 5 (Amdt.)*.

Sec. 21. Judges of the supreme court, district courts, and justices of the peace, shall be conservators of the peace, and may hold preliminary examinations in cases of felony.—*Utah* (1896), *Art. 8*.

Sec. 7. The president of the county court and every justice and constable shall be a conservator of the peace throughout his county.—*W. Va.* (1872), *Art. 9*.

Sec. 19. All judges of courts of this state, and justices of the peace, shall, by virtue of their office, be conservators of the peace throughout the state.

The style of all writs and processes shall be "The State of Oklahoma." All prosecutions shall be carried on in the name and by the authority of the state of Oklahoma. All indictments, informations and complaints shall conclude, "Against the peace and dignity of the state."—*Okla.* (1907), *Art. 7*.

ELECTION, APPOINTMENT AND TERMS OF JUDGES.

(92) Sec. 20. *The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provision shall be made to hold the subsequent election of such additional judge at the regular elections herein provided.*—*Mich.* (1850), *Art. 6*.

Sec. 152. The chief justice and associate justices of the supreme court, judges of the circuit courts, judges of the probate courts, and chancellors shall be elected by the qualified electors of the state, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.—*Ala.* (1901), *Art. 6*.

Sec. 153. The judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the legislature may prescribe.—*Ala.* 1901), *Art. 6*.

Sec. 156. The chief justice and associate justices of the supreme court shall be chosen at an election to be held at the time and places fixed by law for the election of members of the house of representatives of the congress of the United States, until the legislature shall by law change the time of holding such election. The term of office of the chief justice, who shall be elected in the year nineteen hundred and four, shall be as provided in the last preceding section. The successors of two of the associate justices elected in the year nineteen hundred and four shall be elected in the year nineteen hundred and six, and the successors of the other two associate justices elected in nineteen hundred four, shall be elected in the year nineteen hundred and eight. The associate justices of said court elected in the year nineteen hundred and four

shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years nineteen hundred and six and nineteen hundred and eight, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the governor by such associate justices, or a majority of them, prior to the first day of January, nineteen hundred and five, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said associate justices to make and certify such determination, the governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of associate justice of the supreme court, the legislature shall, as nearly as may be, provide for the election each second year, of one-third of the members of said court.—*Ala. (1901), Art. 6.*

Sec. 159. Whenever any new circuit or chancery division is created, the judge or chancellor therefor shall be elected at the next general election for any state officer for a term to expire at the next general election for circuit judge and chancellor: *Provided*, That if said new circuit or chancery division is created more than six months before such general election for any state officer, the governor shall appoint some one as judge or chancellor, as the case may be, to hold the office until such election.—*Ala. (1901), Art. 6.*

Sec. 3. The chief justice and the associate justices shall be elected by the qualified electors of the state at large at the general state elections, at the time and places at which state officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election: *Provided*, That the six associate justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. If a vacancy occur in the office of a justice, the governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this constitution.—*Cal. (1880), Art. 6.*

Sec. 15. The judges of the district court first elected shall be chosen at the first general election. The general assembly may provide that, after the year eighteen hundred and seventy-eight, the election of the judges of the supreme, district, and county courts, and the district attorneys, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided

by law such officers shall be elected at the time of holding the general elections. The terms of office of all judges of the district court elected in the several districts throughout the state, shall expire on the same day; and the terms of office of the district attorneys elected in the several districts throughout the state shall, in like manner, expire on the same day.—*Colo.* (1876), *Art.* 6.

Sec. 3. The judges of the supreme court of errors, of the superior and inferior courts, and all justices of the peace, shall be appointed by the general assembly, in such manner as shall by law be prescribed. The judges of the supreme court and the superior court shall hold their offices during good behavior, but may be removed by impeachment; and the governor shall also remove them on the address of two-thirds of the members of each house of the general assembly; all other judges and justices of the peace shall be appointed annually. No judge or justice of the peace shall be capable of holding his office after he shall arrive at the age of seventy years.—*Conn.* (1818), *Art.* 5.

Art. 26. The judges of the supreme court of errors and of the superior court shall, upon nomination of the governor, be appointed by the general assembly, in such manner as shall by law be prescribed.—*Conn.* (1818), *Amdt.* *Art.* 26.

Art. 20. Judges of the courts of common pleas and of the district courts shall be appointed for terms of four years. Judges of the city courts and police courts shall be appointed for terms of two years.—*Conn.* (1818), *Amend.* *Art.* 20.

Sec. 3. *Par.* 3. The terms of the judges to be elected under the constitution (except to fill vacancies) shall begin on the first day of January, after their elections. But if the time for the meeting of the general assembly shall be changed, the general assembly may change the time when the terms of judges thereafter elected shall begin.—*Ga.* (1877), *Art.* 6.

Sec. 12. *Par.* 4. The judges of the supreme and superior courts and solicitors-general shall be elected by the general assembly, in joint session, on such day or days as shall be fixed by joint resolution of both houses. At the session of the general assembly which is held next before the expiration of the terms of the present incumbents, as provided in this constitution, their successors shall be chosen; and the same shall apply to the election of those who shall succeed them. Vacancies occasioned by death, resignation or other cause shall be filled by appointment of the governor, until the general assembly shall convene, when an election shall be held to fill the unexpired portion of the vacant terms.—*Ga.* (1877), *Art.* 6.

Sec. 6. At the time of voting on the adoption of this constitution, one judge of the supreme court shall be elected by the electors thereof, in each of said districts numbered two, three, six and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy.

The term of office of judges of the supreme court, elected after the adoption of this constitution, shall be nine years; and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges in the respective districts wherein the term of such judges shall expire. The chief justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number chief justice.—*Ill.* (1870), *Art.* 6.

Sec. 11. The judges of the supreme and districts courts shall be chosen at the general election; and the term of office of each judge shall commence on the first day of January next after his election.—*Iowa* (1857), *Art.* 5.

Sec. 12. All judicial officers shall hold their offices until their successors shall have qualified.—*Kan.* (1859), *Art.* 3.

Sec. 115. The present judges of the court of appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present judges, his successor shall be elected. The general assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such judges of the court of appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven judges be provided for, the general assembly may, at any time, increase the number to seven.—*Ky.* (1891), *Sec.* 115.

Sec. 129. The general assembly shall, at the same time the judicial districts are laid off, direct elections to be held in each district to elect a judge therein. The first election of judges of the circuit courts under this constitution shall take place at the annual election in the year eighteen hundred and ninety-two, and the judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and hold their offices five years, and until their successors are elected and qualified. At the general election in eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election of judges of the circuit courts, who shall hold their offices for six years from the first Monday in January succeeding their election. They shall be commissioned by the governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the judges of the court of appeals. The removal of a judge from his district shall vacate his office.—*Ky.* (1891), *Sec.* 129.

Sec. 4. All judicial officers now in office or who may be hereafter appointed shall, from and after the first day of March in the year eighteen hundred and forty, hold their offices for the term of seven years from the time of their respective appointments, (unless sooner removed by impeachment or by address of both branches of the legislature to the

executive) and no longer unless re-appointed thereto.—*Me.* (1819), *Art.* 6.

Sec. 8. Judges of municipal and police courts shall be appointed by the executive power, in the same manner as other judicial officers, and shall hold their offices for the term of four years: *Provided, however*, That the present incumbents shall hold their offices for the term for which they were elected.—*Me.* (1819), *Art.* 6.

Sec. 3. The judges of the said several courts shall be elected in the counties by the qualified voters in their respective judicial circuits as hereinafter provided, at the general election to be held on the Tuesday after the first Monday in November next, and in the city of Baltimore, on the fourth Wednesday of October next. Each of the said judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after; but in case of any judge who shall attain the age of seventy years whilst in office, such judge may be continued in office by the general assembly for such further time as they may think fit, not to exceed the term for which he was elected, by a resolution to be passed at the session next preceding his attaining said age. In case of the inability of any of said judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the general assembly, two-thirds of the members of each house concurring, with the approval of the governor, to retire said judge from office.—*Md.* (1867), *Art.* 4.

Sec. 11. The election for judges hereinbefore provided, and all elections for clerks, registers of wills and other officers provided in this constitution, except state's attorney, shall be certified, and the returns made by the clerks of the circuit courts of the counties, and the clerks of the superior courts of Baltimore City, respectively, to the governor, who shall issue commissions to the different persons for the offices to which they shall have been, respectively, elected; and in all such elections the person having the greatest number of votes shall be declared elected.—*Md.* (1867), *Art.* 4.

Sec. 12. If in any case of election for judges, clerks of the courts of law, and register of wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the governor to order a new election; and in case of any contested election the governor shall send the returns to the house of delegates, which shall judge of the election and qualification of the candidates at such election, and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the governor, the house of delegates shall order a new election within thirty days.—*Md.* (1867), *Art.* 4.

Art. 29. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an

impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.—*Mass.* (1870), *Part 1, Art. 29.*

Sec. 9. All judges other than those provided for in this constitution shall be elected by the electors of the judicial district, county, or city, for which they shall be created, not for a longer term than seven years.—*Minn.* (1857), *Art. 6.*

Sec. 26. The judges of the supreme court, circuit courts and county courts shall be chosen at the first election held under the provisions of this constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may for the purpose of making such provision extend or abridge the term of office for any of such judges then holding, but not in any case more than six months. The term of office of all judges of circuit courts, elected in the several judicial circuits throughout the state, shall expire on the same day.—*S. D.* (1889), *Art. 5.*

Sec. 153. The judges of the circuit courts and of the chancery courts shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices for the term of four years.—*Miss.* (1890), *Art. 6.*

Sec. 7. The full terms of the judges of the supreme court shall commence on the first day of January next ensuing their election, and those elected to fill any vacancy shall also enter upon the discharge of their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.—*Mo.* (1875), *Art. 6, Sec. 7.*

Sec. 8. The present judges of the supreme court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire, one judge shall be elected at the general election in eighteen hundred and seventy-six, and one every two years thereafter.—*Mo.* (1875), *Art. 6.*

Sec. 25. The judges of the circuit court shall be elected by the qualified voters of each circuit; shall hold their offices for the term of six years, and shall reside in and be conservators of the peace within their respective circuits.—*Mo.* (1875), *Art. 6.*

Sec. 30. The election of judges of all courts of record shall be held as is or may be provided by law, and in case of a tie or contested election between the candidates, the same shall be determined as prescribed by law.—*Me.* (1875), *Art. 6.*

Sec. 2. Upon the adoption of this amendment, the governor shall appoint two additional judges of the supreme court, who shall hold their offices until the first Monday in January, 1893, and at the general election in the year 1892 their successors shall be elected, who shall hold their offices for the term of ten years, as other judges of the supreme court. The two judges appointed by the governor, together with the judge elected at the general election in the year 1890, shall constitute division number two, and the remaining judges shall constitute division number one. The court shall elect its chief justice and each division a presiding judge thereof.—*Mo.* (1875), *Amdd.*

Sec. 6. The justices of the supreme court shall be elected by electors of the state at large, as hereinafter provided.—*Mont.* (1889), *Art.* 8.

Sec. 7. The term of office of the justices of the supreme court, except as in this constitution otherwise provided, shall be six years.—*Mont.* (1889), *Art.* 8.

Sec. 8. There shall be elected at the first general election, provided for by this constitution, one chief justice and two associate justices of the supreme court. At said first election the chief justice shall be elected to hold his office until the general election in the year one thousand eight hundred ninety-two (1892), and one of the associate judges justices to hold his office until the general election in the year one thousand eight hundred ninety-four (1894), as the other associate justice to hold his office until the general election in the year one thousand eight hundred ninety-six (1896), and each shall hold until his successor is elected and qualified. The terms of office of said justices, and which one shall be chief justice, shall at the first and all subsequent elections be designated by ballot. After said first election one chief justice or one associate justice shall be elected at the general election every two years, commencing in the year one thousand eight hundred ninety-two (1892), and if the legislative assembly shall increase the number of justices to five, the first terms of office of such additional justices shall be fixed by law in such manner that at least one of the five justices shall be elected every two years. The chief justice shall preside at all sessions of the supreme court, and in case of his absence, the associate justice having the shortest term to serve shall preside in his stead.—*Mont.* (1889), *Art.* 8.

Sec. 4. The judges of the supreme court shall be elected by the electors of the state at large; and their terms of office, except of those chosen at the first election, as hereinafter provided, shall be six years.—*Neb.* (1875), *Art.* 6.

Sec. 3. The justices of the supreme court shall be elected by the qualified electors of the state at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election: *Provided*, That there shall be elected, at the first election under this constitution, three justices of the supreme court, who shall hold office from and including the first Monday of December, A. D. eighteen hundred sixty-four, and continue in office there-

after two, four and six years, respectively, from and including the first Monday of January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine, by lot, the term of office each shall fill, and the justice drawing the shortest term shall be chief justice, and after the expiration of his term, the one having the next shortest term shall be chief justice, after which the senior justice in commission shall be chief justice, and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot who shall be chief justice.—*Nev. (1864), Art. 6.*

Art. 35. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well, subject, however, to such limitations on account of age as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing law.—*N. H., Part 1, Art. 35.*

1. There shall be no more than five judges of the inferior court of common pleas in each of the counties in this state, after the terms of the judges of said court now in office shall terminate. One judge for each county shall be appointed every year, and no more except to fill vacancies, which shall be for the unexpired term only.—*N. J. (1844), Art. 6, Sec. 6, Cl. 1.*

2. The commissions for the first appointment of judges of said court shall bear date and take effect on the first day of April next; and all subsequent commissions for judges of said court shall bear date and take effect on the first day of April in every successive year, except commissions to fill vacancies, which shall bear date and take effect when issued.—*N. J. (1844), Art. 6, Sec. 6, Cl. 2.*

1. Justices of the supreme court, chancellor, judges of the court of errors and appeals and judges of the inferior court of common pleas shall be nominated by the governor, and appointed by him, with the advice and consent of the senate.

The justices of the supreme court and chancellor shall hold their offices for the term of seven years; shall, at stated times, receive for their services a compensation which shall not be diminished during the term of their appointments; and they hold no other office under the government of this state of the United States.—*N. J. (1844), Art. 7, Sec. 2, Cl. 1.*

2. Judges of the courts of common pleas shall be appointed by the senate and general assembly, in joint meeting.

They shall hold their offices for five years; but when appointed to fill

vacancies, they shall hold for the unexpired term only.—*N. J.* (1844), *Art. 7, Sec. 2, Cl. 2.*

Sec. 21. The justices of the supreme court shall be elected by the qualified voters of the state, as is provided for the election of members of the general assembly. They shall hold their offices for eight years. The judges of the superior courts, elected at the first election under this amendment, shall be elected in like manner as is provided for justices of the supreme court, and shall hold their offices for eight years. The general assembly may, from time to time, provide by law that the judges of the superior courts, chosen at succeeding elections, instead of being elected by the voters of the whole state, as is herein provided for, shall be elected by the voters of their respective districts.—*N. C.* (1875), *Art. 4.*

Sec. 30. In case the general assembly shall establish other courts inferior to the supreme court, the presiding officers and clerks thereof shall be elected in such manner as the general assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.—*N. C.* (1875), *Art. 4.*

Sec. 90. The judges of the supreme court shall be elected by the qualified electors of the state at large, and except as may be otherwise provided herein for the first election for judges under this constitution, said judges shall be elected at general elections.—*N. Dak.* (1889), *Art. 4.*

Sec. 10. All judges, other than those provided for in this constitution, shall be elected by the electors of the judicial district for which they may be created, but not for a longer term of office than five years.—*Ohio* (1851), *Art. 4.*

Sec. 12. The judges of the courts of common pleas shall, while in office, reside in the district for which they are elected; and their term of office shall be for five years.—*Ohio* (1851), *Art. 4.*

Sec. 4. The judges of the supreme court shall be elected by the two houses in grand committee. Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and in default of the passage thereof at said session, the judge shall hold his place as is herein provided. But a judge of any court shall be removed from office if, upon impeachment, he shall be found guilty of any official misdemeanor.—*R. I.* (1842), *Art. 10.*

Sec. 36. All judges or other officers of the supreme, circuit or county courts provided for in this article shall hold their offices until their successors respectively are elected or appointed and qualified.—*S. D.* (1889), *Art. 5.*

Sec. 4. The judges of the circuit and chancery courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every judge of such courts shall be thirty years of age, and shall, before his election, have been a resident of the state for five years, and of the circuit or district one year. His term of service shall be eight years.—*Tenn.* (1870), *Art.* 6.

Sec. 102. All the judges shall be commissioned by the governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by this constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.—*Va.* (1902), *Art.* 6.

Sec. 7. For each circuit there shall be chosen by the qualified electors thereof, one circuit judge, except that in any circuit composed of one county only, which county shall contain a population according to the last state or United States census, of one hundred thousand inhabitants or over, the legislature may, from time to time, authorize additional circuit judges to be chosen. Every circuit judge shall reside in the circuit from which he is elected, and shall hold his office for such term and receive such compensation as the legislature shall prescribe.—*Wis.* (1848), *Art.* 7 (*Amdt.* 1897). -

ELECTION OF PROBATE JUDGES.

(93) Sec. 21. *The first election of judges of the probate courts shall be held on the Tuesday succeeding the first Monday of November, one thousand eight hundred and fifty-two, and every fourth year thereafter.*—*Mich.* (1850), *Art.* 6.

VACANCIES BY REMOVAL FROM JURISDICTION.

(94) Sec. 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, they shall be deemed to have vacated their respective office.

COURTS OF CONCILIATION.

(95) Sec. 23. *The legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.*—*Mich.* (1850), *Art.* 6.

[See "Labor Interests."]

APPEARANCE IN PERSON OR BY ATTORNEY.

(90) Sec. 24. *Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.*—*Mich.* (1850), *Art.* 6.

Sec. 10. That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party.—*Ala.* (1901), *Art.* 1.

Sec. 25. No person shall be debarred from prosecuting or defending any civil cause for or against him or herself, before any tribunal in the state, by him or herself, or counsel, or both.—*Miss.* (1890), *Art.* 3.

Sec. 20. Any suitor, in any court of this state, shall have the right to presecute or defend his suit either in his own proper person, or by an attorney or agent of his choice.—*Wis.* (1848), *Art.* 7.

PROSECUTIONS FOR LIBEL.

(97) Sec. 25. *In all prosecutions for libels the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends the party shall be acquitted. The jury shall have the right to determine the law and the fact.*—*Mich.* (1850), *Art.* 6.

Sec. 12. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel the jury shall have the right to determine the law and the facts under the direction of the court.—*Ala.* (1901), *Art.* 1.

Sec. 6. The liberty of the press shall forever remain inviolate. The free communication of thoughts and opinions is one of the invaluable rights of man; and all persons may freely write and publish their sentiments on all subjects, being responsible for the abuse of such rights. In all criminal prosecutions for libel the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party charged shall be acquitted.—*Ark.* (1874), *Art.* 2.

Sec. 7. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts, under the direction of the court.—*Conn.* (1818), *Art.* 1.

Sec. 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may print on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information,

the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.—*Del.* (1897), *Art.* 1.

Sec. 2. Par. 1. In all prosecutions or indictments for libel, the truth may be given in evidence; and the jury in all criminal cases shall be the judges of the law and the facts. The power of the judges to grant new trials in case of conviction is preserved.—*Ga.* (1877), *Art.* 1.

Sec. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.—*Ind.* (1851), *Art.* 1.

Sec. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.—*Ky.* (1891), *Bill of Rights*.

Art. 179. In all proceedings or indictments for libel, the truth thereof may be given in evidence. The jury in all criminal cases shall be the judges of the law and of the facts on the question of guilt or innocence, having been charged as to the law applicable to the case by the presiding judge.—*La.* (1898), *Art.* 179.

Sec. 21. In all indictments or prosecutions for libel, the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and the facts.—*S. C.* (1895), *Art.* 1.

Sec. 8. In prosecutions, and civil suits for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous, is true, and was published with good motives, and for justifiable ends, the verdict shall be for the defendant.—*W. Va.* (1872), *Art.* 3.

SEARCHES AND SEIZURES; WARRANTS.

(98) Sec. 26. *The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrants to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.*—*Mich.* (1850), *Art.* 6.

Sec. 5. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizures or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.—*Ala.* (1901), *Art.* 1.

Sec. 15. The right of the people of this state to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue except upon prob-

able cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.—*Ark.* (1874), *Art.* 2.

Sec. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probate cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.—*Cal.* (1880), *Art.* 1.

Sec. 7. That the people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures; and no warrant to search any place or seize any person or thing shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.—*Colo.* (1876), *Art.* 2.

Sec. 8. The people shall be secure in their persons, houses, papers, and possessions from unreasonable searches or seizures, and no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.—*Conn.* (1818), *Art.* 1.

Sec. 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.—*Del.* (1897), *Art.* 1.

Sec. 22. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated, and no warrants issued but upon probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.—*Fla.* (1885), *Decree of Rights.*

Sec. 1. Par. 16. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause, supported by oath, or affirmation, particularly describing the place or places, to be searched, and the person or things to be seized.—*Ga.* (1877), *Art.* 1.

Sec. 17. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.—*Idaho* (1889), *Art.* 1.

Sec. 6. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall

not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.—*Ill.* (1870), *Art.* 2.

Sec. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.—*Ind.* (1851), *Art.* 1.

Sec. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.—*Iowa* (1857), *Art.* 1.

Sec. 15. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons or property to be seized.—*Kan.* (1859), *Bill of Rights*.

Sec. 10. The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.—*Ky.* (1891), *Bill of Rights*.

Art. 7. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.—*La.* (1898), *Art.* 7.

Sec. 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause, supported by oath or affirmation.—*Mc.* (1819), *Art.* 1.

Art. 26. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.—*Md.* (1867), *D. of R.*

Art. 14. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause of foundation of them be not previously supported by oath

or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.—*Mass.* (1780), *Part 1*.

Sec. 10. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.—*Minn.* (1857), *Art. 1*.

Sec. 23. The people shall be secure in their persons, houses and possessions, from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.—*Miss.* (1890), *Art. 3*.

Sec. 11. That the people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation reduced to writing.—*Mo.* (1875), *Art. 2*.

Sec. 7. The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures, and no warrant to search any place or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized nor without probable cause, supported by oath or affirmation, reduced to writing.—*Mont.* (1889), *Art. 3*.

Sec. 7. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—*Neb.* (1875), *Art. 1*.

Sec. 18. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.—*Nev.* (1864), *Art. 1*.

Art. 19. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them

be not previously supported by oath or affirmation, and if the order, in a warrant to a civil officer, to make search in suspected places or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.—*N. H., Part 1, Art. 19.*

6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.—*N. J. (1844), Art. 1, Sec. 6.*

Sec. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.—*N. C. (1875), Art. 1.*

Sec. 18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.—*N. Dak. (1889), Art. 1.*

Sec. 14. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.—*Ohio (1851), Art. 1.*

Sec. 30. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized.—*Okla. (1907), Art. 2.*

Sec. 9. No law shall violate the right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—*Ore. (1857), Art. 1.*

Sec. 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation, subscribed to by the affiant.—*Pa. (1873), Art. 1.*

Sec. 6. The right of the people to be secure in their persons, papers and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing as nearly as may be, the place to be searched, and the persons or things to be seized.—*R. H.* (1842), *Art. 1.*

Sec. 16. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.—*S. C.* (1895), *Art. 1.*

Sec. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.—*S. D.* (1889), *Art. 6.*

Sec. 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.—*Tenn.* (1870), *Art. 1.*

Sec. 9. The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.—*Tex.* (1875), *Art. 1.*

Sec. 14. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched and the person or thing to be seized.—*Utah* (1896), *Art. 1.*

Art. 11. That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.—*Vt.* (1793), *Chap. 1.*

Sec. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is

not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.—*Va.* (1902), *Art.* 1.

Sec. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.—*Wash.* (1889), *Art.* 1.

Sec. 6. The right of citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.—*W. Va.* (1872), *Art.* 3.

Sec. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath, or affirmation and particularly describing the place to be searched, and the persons or things to be seized.—*Wis.* (1898), *Art.* 1.

Sec. 4. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit, particularly describing the place to be searched or the person or thing to be seized.—*Wyo.* (1889), *Art.* 1.

TRIAL BY JURY; WAIVER.

(99) Sec. 27. *The right of trial by jury shall remain but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.*—*Mich.* (1850), *Art.* 6.

11. That the right of trial by jury shall remain inviolate.—*Ala.* (1901), *Art.* 1.

Sec. 7. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law.—*Ark.* (1874), *Art.* 2.

Sec. 21. No persons shall be taken or imprisoned, or disseized of his estate, freehold, liberties or privileges; or outlawed, or in any manner destroyed or deprived of his life, liberty or property; except by the judgment of his peers or the law of the land; nor shall any person, under any circumstances, be exiled from the state.—*Ark.* (1874), *Art.* 2.

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such

manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.—*Cal.* (1880), *Art.* 1.

Sec. 23. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury shall consist of twelve men any nine of whom concurring may find an indictment: *Provided*, The general assembly may change, regulate or abolish the grand jury system.—*Colo.* (1876), *Art.* 2.

Sec. 21. The right of trial by jury shall remain inviolate.—*Conn.* (1818), *Art.* 1.

Sec. 4. Trial by jury shall be as heretofore.—*Del.* (1897), *Art.* 1.

Sec. 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.—*Del.* (1897), *Art.* 4.

Sec. 3. The right of trial by jury shall be secured to all, and remain inviolate forever.—*Fla.* (1885), *Bill of Rights*.

Sec. 18. Par. 1. The right of trial by jury, except where it is otherwise provided in this constitution, shall remain inviolate, but the general assembly may prescribe any number, not less than five, to constitute a trial or traverse jury in courts other than the superior and city courts.—*Ga.* (1877), *Art.* 6.

Sec. 18. Par. 2. The general assembly shall provide by law for the selection of the most experienced, intelligent and upright men to serve as grand jurors, and intelligent and upright men to serve as traverse jurors. Nevertheless, the grand jurors shall be competent to serve as traverse jurors.—*Ga.* (1877), *Art.* 6.

Sec. 18. Par. 3. It shall be the duty of the general assembly, by general laws, to prescribe the manner of fixing compensation of jurors in all counties in this state.—*Ga.* (1877), *Art.* 6.

Sec. 7. The right of trial by jury shall remain inviolate; but in civil actions three-fourths of the jury may render a verdict, and the legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.—*Idaho* (1889), *Art.* 1.

Sec. 5. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.—*Ill.* (1870), *Art.* 2.

Sec. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.—*Ind.* (1851), *Art.* 1.

Sec. 20. In all civil cases the right of trial by jury shall remain inviolate.—*Ind.* (1851), *Art.* 1.

Sec. 9. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.—*Iowa* (1857), *Art.* 1.

Sec. 5. The right of trial by jury shall be inviolate.—*Kan.* (1859), *Bill of Rights*.

Sec. 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this constitution.—*Ky.* (1891), *Bill of Rights*.

Art. 116. The general assembly shall provide for the selection of competent and intelligent jurors. All cases in which the punishment may not be at hard labor shall, until otherwise provided by law, which shall not be prior to 1904, be tried by the judge without a jury. Cases in which the punishment may be at hard labor shall be tried by a jury of five, all of whom must concur to render a verdict; cases in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom concurring may render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a verdict.—*La.* (1898), *Art.* 116.

Art. 159. No person shall be permitted to act as a juror, who, in due course of law, shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the penitentiary, or who shall be under interdiction.—*La.* (1898), *Art.* 159.

Sec. 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself and his counsel, or either, at his election.—*Me.* (1819), *Art.* 1.

Art. 5. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury, according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the courts of law or equity; and also of all acts of assembly in force on the first day

of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the legislature of this state. And the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty, Charles the First, to Cæcilius Calvert, Baron of Baltimore.—*Md.* (1867), *Dec. of Rights*.

Art. 20. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the people.—*Md.* (1867), *Dec. of Rights*.

Sec. 5. In the trial of all criminal cases, the jury shall be the judges of law, as well as of fact.—*Md.* (1867), *Art. 15*.

Sec. 6. The right of trial by jury of all issues of fact in civil proceedings in the several courts of law in this state, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.—*Md.* (1867), *Art. 15*.

Art. 13. In criminal prosecutions; the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.—*Mass.* (1780), *Part 1*.

Art. 15. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practiced, the parties have a right to a trial by jury; and the method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.—*Mass.* (1780), *Part 1*.

Sec. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but a jury trial may be waved by the parties in all cases in the manner prescribed by law; and the legislature may provide that the agreement of five-sixths of any jury in any civil action or proceeding, after not less than six (6) hours' deliberation, shall be a sufficient verdict therein.—*Minn.* (1857), *Art. 1 (Amdt. 1890)*.

Sec. 31. The right of trial by jury shall remain inviolate.—*Miss.* (1890), *Art. 3*.

Sec. 264. No person shall be a grand or petit juror unless a qualified elector and able to read and write; but the want of any such qualification in any juror shall not vitiate any indictment or verdict. The legislature shall provide by law for procuring a list of persons so qualified, and the drawings therefrom of grand and petit jurors for each term of the circuit court.—*Miss.* (1890), *Art. 14*.

Sec. 28. The right of trial by jury, as heretofore enjoyed, shall remain inviolate, but a jury for the trial of civil and criminal cases in courts

not of record, may consist of less than twelve men as may be prescribed by law; and that a two-thirds majority of such number prescribed by law concurring may render a verdict in all civil cases; and that in the trial by jury of all civil cases in courts of record three-fourths of the members of the jury concurring may render a verdict. Hereafter a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill: *Provided, however*, That no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime.—*Mo.* (1875), *Art.* 2.

Sec. 23. The right of trial by jury shall be secured to all, and remain inviolate, but in all civil cases and in all criminal cases not amounting to felony, upon default of appearance or by consent of the parties expressed in such manner as the law may prescribe, a trial by jury may be waived, or a trial had by any less number of jurors than the number provided by law. A jury in a justice's court both in civil cases and in cases of criminal misdemeanor shall consist of not more than six persons. In all civil actions and in all criminal cases not amounting to felony, two-thirds in number of the jury may render a verdict, and such verdict so rendered shall have the same force and effect as if all of such jury concurred therein.—*Mont.* (1889), *Art.* 3.

Sec. 6. The right of trial by jury shall remain inviolate, but the legislature may authorize trial by a jury of a less number than twelve men in courts inferior to the district court.—*Neb.* (1875), *Art.* 1.

Sec. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law; and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand and have the same force and effect as a verdict by the whole jury: *Provided*, The legislature, by a law passed by a two-thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.—*Nev.* (1864), *Art.* 1.

Sec. 27. Laws shall be made to exclude from serving on juries all persons not qualified electors of the state, and all persons who shall have been convicted of bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.—*Nev.* (1864), *Art.* 4.

Art. 17. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offense ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offense may be committed, and, upon their

report, the legislature shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.—*N. H., Part 1, Art. 17.*

Art. 20. In all controversies concerning property and in all suits between two or more persons, except in cases in which it has been heretofore otherwise used and practised, and except in cases in which the value in controversy does not exceed one hundred dollars and title of real estate is not concerned, the parties have a right to trial by jury; and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relate to mariners' wages, the legislature shall think it necessary hereafter to alter it.—*N. H., Part 1, Art. 20.*

Art. 21. In order to reap the fullest advantage of the inestimable privilege of trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to be fully compensated for their travel, time, and attendance.—*N. H., Part 1, Art. 21.*

7. The right of a trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when a matter in dispute does not exceed fifty dollars, by a jury of six men.—*N. J. (1844), Art. 1, Sec. 7.*

2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.—*N. Y. (1894), Art. 1.*

Sec. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. The legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.—*N. C. (1875), Art. 1.*

Sec. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.—*N. C. (1875), Art. 1.*

Sec. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.—*N. C. (1875), Art. 4.*

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but a jury in civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law.—*N. Dak. (1889), Art. 1.*

Sec. 5. The right of trial by jury shall be inviolate.—*Ohio (1851), Art. 1.*

Sec. 19. The right of trial by jury shall be and remain inviolate,
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and a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of twelve men; but, in county courts and courts not of record, a jury shall consist of six men. This section shall not be so construed as to prevent limitations being fixed by law upon the right of appeal from judgments of courts not of record in civil cases concerning causes of action involving less than twenty dollars. In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdict shall be in writing and signed by each juror concurring therein.—*Okla.* (1907), *Art.* 2.

Sec. 29. In all issues of fact joined in any court, all parties may waive the right to have the same determined by jury; in which case the finding of the judge, upon the facts, shall have the force and effect of a verdict by jury.—*Okla.* (1907), *Art.* 7.

Sec. 21. In all jury trials, the jury shall return a general verdict, and no law in force, nor any law hereafter enacted, shall require the court to direct the jury to make findings on particular questions of fact; but the court may, in its discretion, direct such special findings.—*Okla.* (1907), *Art.* 7.

Sec. 17. In all civil cases, the right of trial by jury shall remain inviolate.—*Ore.* (1857), *Art.* 1.

Sec. 18. The legislative assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the court, seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment. But the legislative assembly may modify or abolish grand jurors.—*Ore.* (1857), *Art.* 7.

Sec. 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate.—*Pa.* (1873), *Art.* 1.

Sec. 27. The parties, by agreement, filed, may in any civil case dispense with trial by jury and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same, and the judgment thereon shall be subject to writ of error, as in other cases.—*Pa.* (1873), *Art.* 5.

Sec. 15. The right of trial by jury shall remain inviolate.—*R. I.* (1842), *Art.* 1.

Sec. 25. The right of trial by jury shall be preserved inviolate.—*S. C.* (1895), *Art.* 1.

Sec. 22. All persons charged with an offence shall have the right to demand and obtain a trial by jury. The jury in cases civil or criminal in all municipal courts, and courts inferior to circuit courts shall con-

sist of six. The grand jury of each county shall consist of eighteen members, twelve of whom must agree in a matter before it can be submitted to the court.

The petit jury of the circuit courts shall consist of twelve men, all of whom must agree to a verdict in order to render the same.

Each juror must be a qualified elector under the provisions of this constitution, between the ages of twenty-one and sixty-five years and of good moral character.—*S. C.* (1895), *Art.* 5.

Sec. 6. The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any court not a court of record and for the decision of civil cases by three-fourths of the jury in any court.—*S. Dak.* (1889), *Art.* 6.

Sec. 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.—*Tenn.* (1870), *Art.* 1.

Sec. 14. No fine shall be laid on any citizen of this state that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.—*Tenn.* (1870), *Art.* 6.

Sec. 15. The right of trial by jury shall remain inviolate. The legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.—*Tex.* (1875), *Art.* 1.

Sec. 10. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the legislature.—*Tex.* (1875), *Art.* 5.

Sec. 13. Grand and petit juries in the district courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict: *Provided*, That the legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.—*Tex.* (1875), *Art.* 5.

Sec. 19. The legislature shall prescribe by law the qualification of grand and petit jurors.—*Tex.* (1875), *Art.* 16.

Sec. 10. In capital cases the right of trial by jury shall remain

inviolable. In courts of general jurisdiction, except in capital cases, a jury shall consist of eight jurors. In courts of inferior jurisdiction a jury shall consist of four jurors. In criminal cases the verdict shall be unanimous. In civil cases three-fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.—*Utah* (1896), *Art. 1*.

Art. 12. That when any issue in fact, proper for the cognizance of a jury is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.—*Vt.* (1793), *Chap. 1*.

Sec. 31. Trials of issues, proper for the cognizance of a jury, in the supreme court and county courts, shall be by jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries.—*Vt.* (1793), *Chap. 2*.

Sec. 21. The right of trial by jury shall remain inviolable, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict of nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.—*Wash.* (1889), *Art. 1*.

Sec. 13. In suits at common law, where the value in controversy exceed twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit before a justice a jury may consist of six persons. No fact tried by a jury shall be otherwise re-examined in any case than according to the rules of the common law.—*W. Va.* (1872), *Art. 3* (*Amdt.* 1879).

Sec. 14. Trials of crimes, and of misdemeanors, unless herein otherwise provided, shall be by a jury of twelve men, public, without unreasonable delay, and in the county where the alleged offence was committed, unless upon petition of the accused, and for good cause shown, it is removed to some other county. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defence; and there shall be awarded to him compulsory process for obtaining witnesses in his favor.—*W. Va.* (1872), *Art. 3*.

Sec. 5. The right of trial by jury shall remain inviolable; and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.—*Wis.* (1848), *Art. 1*.

Sec. 9. The right of trial by jury shall remain inviolable in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury may consist of twelve men, any nine of whom concurring may find an indictment, but the legis-

lature may change, regulate or abolish the grand jury system.—*Wyo.* (1889), *Art.* 1.

GRAND JURY; INDICTMENT AND INFORMATION.

8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in this constitution: *Provided*, That in cases of misdemeanor, the legislature may by law dispense with a grand jury and authorize such prosecutions and proceedings before such justices of the peace or such other inferior courts as may be by law established.—*Ala.* (1901), *Art.* 1.

Sec. 8. No person shall be held to answer a criminal charge unless on the presentment or indictment of a grand jury, except in cases of impeachment or cases such as the general assembly shall make cognizable by justices of the peace, and courts of similar jurisdiction; or cases arising in the army and navy of the United States; or in the militia when in actual service in time of war or public danger; and no person for the same offense, shall be twice put in jeopardy of life or liberty; but if, in any criminal prosecution, the jury be divided in opinion, the court before which the trial shall be had may, in its discretion, discharge the jury, and commit or bail the accused for trial at the same or the next term of said court; nor shall any person be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.—*Ark.* (1874), *Art.* 2.

Sec. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.—*Cal.* (1880), *Art.* 1.

Sec. 8. That until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information.—*Colo.* (1876), *Art.* 2.

Sec. 8. No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; and no person shall be for the same offense twice put in jeopardy of life or limb; nor shall any man's property be taken or

applied to public use without the consent of his representatives, and without compensation being made.—*Del.* (1897), *Art.* 1.

Sec. 10. No person shall be tried for a capital crime or other felony, unless on presentment or indictment by a grand jury, except as is otherwise provided in this constitution, and except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the state, with the consent of congress, may keep, in time of peace.—*Fla.* (1885), *Bill of Rights*.

Sec. 8. No person shall be held to answer for any felony or criminal offense of any grade, unless on presentment or indictment of a grand jury or on information of the public prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger: *Provided*, That a grand jury may be summoned upon the order of the district court in the manner provided by law. *And provided*, further, That after a charge has been ignored by a grand jury, no person shall be held to answer or for trial therefor upon information of the public prosecutor.—*Idaho* (1889), *Art.* 1.

Sec. 8. No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in any militia, when in actual service in time of war or public danger: *Provided*, That the grand jury may be abolished by law in all cases.—*Ill.* (1870), *Art.* 2.

Sec. 17. The general assembly may modify or abolish the grand jury system.—*Ind.* (1851), *Art.* 7.

Sec. 11. All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.—*Iowa* (1857), *Art.* 1.

Sec. 15. The grand jury may consist of any number of members not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of the grand jury.—*Iowa* (1857), *Art.* 5 (*Amdt.* 1884).

Sec. 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war

or public danger, or by leave of court for oppression or misdemeanor in office.—*Ky.* (1891), *Bill of Rights*.

Sec. 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The legislature shall provide by law a suitable and impartial mode of selecting juries and their usual number and unanimity, in indictments and convictions, shall be held indispensable.—*Mc.* (1819), *Art. 1*.

Sec. 7. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require.—*Minn.* (1857), *Art. 1*.

Sec. 27. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the military when in actual service, or by leave of the court for misdemeanor in office; but the legislature, in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justices of the peace, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.—*Miss.* (1890), *Art. 3*.

Sec. 12. No person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment or information, which shall be concurrent remedies, but this shall not be construed to apply to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger.—*Mo.* (1875), *Art. 2*.

Sec. 8. Criminal offenses of which justices courts and municipal and other courts, inferior to the district courts, have jurisdiction, shall, in all courts inferior to the district court be prosecuted by complaint. All criminal actions in the district court, except those on appeal, shall be prosecuted by information, after examination and commitment, by a magistrate, or after leave granted by the court, or shall be prosecuted by indictment without such examination or commitment, or without such leave of the court. A grand jury shall consist of seven persons, of whom five must concur to find an indictment.

A grand jury shall only be drawn and summoned when the district judge shall in his discretion consider it necessary, and shall so order.—*Mont.* (1889), *Art. 3*.

Sec. 10. No person shall be held to answer for a criminal offense, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury: *Provided*, That the legislature made by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend or otherwise regulate the grand jury system.—*Neb.* (1875), *Art. 1.*

Sec. 8. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this state may keep, with the consent of congress, in time of peace, and in case of petit larceny, under the regulation of the legislature), except on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.—*Nev.* (1864), *Art. 1.*

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy; or in the militia, when in actual service in time of war or public danger.—*N. J.* (1844), *Art. 1, Sec. 9.*

Sec. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment.—*N. C.* (1875), *Art. 1.*

Sec. 8. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases, offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.—*N. Dak.* (1889), *Art. 1.*

Sec. 17. No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination. Prosecutions may be instituted in courts not of record upon a duly verified complaint.—*Okla.* (1907), *Art. 2.*

Sec. 18. A grand jury shall be composed of twelve men, any nine of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a judge of a court having the power to try and determine felonies, upon his own motion; or such grand jury shall be ordered by such judge upon the filing of a petition therefor signed by one hundred resident taxpayers of the county; when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime, and such other powers as the legislature may prescribe: *Provided*, That the legislature may make the calling of a grand jury compulsory.—*Okla.* (1907), *Art.* 2.

Sec. 10. No person shall, for any indictable offense, be proceeded against criminally by information except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger or by leave of the court, for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.—*Pa.* (1873), *Art.* 1.

Sec. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.—*R. I.* (1842), *Art.* 1.

Sec. 17. No person shall be held to answer for any crime where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days, with or without hard labor, unless on a presentment or indictment of a grand jury of the county where the crime shall have been committed, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or liberty, nor shall be compelled in any criminal case to be a witness against himself. Private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor.—*S. C.* (1895), *Art.* 1.

Sec. 10. No person shall be held for a criminal offence unless on the presentment or indictment of the grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by county courts, by justices of the peace, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: *Provided*, That the grand jury may be modified or abolished by law.—*S. D.* (1889), *Art.* 6.

Sec. 14. That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment.—*Tenn.* (1870), *Art.* 1.

Sec. 13. Offences heretofore required to be prosecuted by indictment, shall be prosecuted by information after examination and commitment by a magistrate, unless the examination be waived by the accused with the consent of the state, or by indictment, with or without such examination and commitment. The grand jury shall consist of seven persons, five of whom must concur to find an indictment; but no grand jury shall be drawn or summoned unless in the opinion of the judge of the district, public interest demands it.—*Utah* (1896), *Art.* 1.

Sec. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law.—*Wash.* (1889), *Art.* 1.

Sec. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.—*Wash.* (1889), *Art.* 1.

Sec. 8. No person shall be held to answer for a criminal offense without due process of law, and no person, for the same offense, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it.—*Wis.* (1848), *Amdt.* *Art.* 1.

Sec. 13. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.—*Wyo.* (1889), *Art.* 1.

RIGHTS OF PARTIES ACCUSED.

(100) Sec. 28. *In every criminal prosecution the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.*—*Mich.* (1850), *Art.* 6.

Sec. 6. That in all criminal prosecutions the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases in his own behalf, if he elects so to do; and in all prosecutions by indictment, a speedy public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, except by due process of law; but the legislature may, by a general law,

provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor: *Provided*, That at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.—*Ala.* (1901), *Art.* 1.

Sec. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed: *Provided*, That the venue may be changed to any other county of the judicial district in which the indictment is found, upon the application of the accused, in such a manner as now is, or may be, prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be heard by himself and his counsel.—*Ark.* (1774), *Art.* 2.

Sec. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witnesses, from inability or other cause, will not attend at the trial.—*Cal.* (1880), *Art.* 1.

Sec. 16. That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have the process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.—*Colo.* (1876), *Art.* 2.

Sec. 9. In all criminal prosecutions, the accused shall have the right to be heard by himself and by counsel; to demand the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his favor; and in all prosecutions, by indictment or information, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself nor be deprived of life, liberty, or property, but by due course of law. And no person shall be holden to answer for any crime, the punishment of which may be death or imprisonment for life, unless on a presentment or indictment of a grand jury; except in the land or naval forces, or in the militia when in actual service in time of war or public danger.—*Conn.* (1818), *Art.* 1.

Sec. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence against himself, nor shall he be deprived of life, liberty or property, unless by the judgment of his peers or by the law of the land.—*Del.* (1897), *Art.* 1.

Sec. 11. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime was committed, and shall be heard by himself, or counsel, or both, to demand the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have compulsory process for the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.—*Fla.* (1885), *Bill of Rights*.

Sec. 14. No person shall be compelled to pay costs except after conviction, on a final trial.—*Fla.* (1885), *Bill of Rights*.

Sec. 1. Par. 4. No person shall be deprived of the right to prosecute or defend his own cause in any of the courts of this state, in person, by attorney, or both.—*Ga.* (1877), *Art.* 1.

Sec. 1. Par. 5. Every person charged with an offense against the laws of this state shall have the privilege and benefit of counsel; shall be furnished, on demand, with a copy of the accusation, and a list of the witnesses on whose testimony the charge against him is founded; shall have compulsory process to obtain the testimony of his own witnesses; shall be confronted with the witnesses testifying against him, and shall have a public and speedy trial by an impartial jury.—*Ga.* (1877), *Art.* 1.

Sec. 1. Par. 10. No person shall be compelled to pay costs, except after conviction on final trial.—*Ga.* (1877), *Art.* 1.

Sec. 13. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be put twice in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.—*Idaho* (1889), *Art.* 1.

Sec. 9. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by

an impartial jury of the county or district in which the offense is alleged to have been committed.—*Ill.* (1870), *Art.* 2.

Sec. 13. In all criminal prosecutions the accused shall have the right to a public trial, by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.—*Ind.* (1851), *Art.* 1.

Sec. 10. In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.—*Iowa* (1857), *Art.* 1.

Sec. 10. In all prosecutions, the accused shall be allowed to appear and defend in person, or by counsel; to demand the nature and cause of the accusation against him, to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.—*Kan.* (1859), *Bill of Rights*.

Sec. 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the general assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.—*Ky.* (1891), *Bill of Rights*.

Art. 9. In all criminal prosecutions the accused shall have the right to a speedy public trial by an impartial jury: *Provided*, That cases in which the penalty is not necessarily imprisonment at hard labor, or death, shall be tried by the court without a jury or by a jury less than twelve in number, as provided elsewhere in the constitution: *Provided further*, That all trials shall take place in the parish in which the offense was committed, unless the venue be changed. The accused in every instance, shall have the right to be confronted with the witnesses against him; he shall have the right to defend himself, to have the assistance of counsel, to have compulsory process for obtaining

witnesses in his favor. Prosecutions shall be by indictment or information; but the legislature may provide for the prosecution of misdemeanors on affidavits: *Provided*, That no person shall be held to answer for a capital crime unless on a presentment or indictment by a grand jury, except in cases arising in the militia when in actual service in time of war or public danger; nor shall any person be twice put in jeopardy of life or liberty for the same offense, except on his own application for a new trial, or where there is a mistrial, or a motion in arrest of judgment is sustained.—*La.* (1898), *Art.* 9.

Art. 10. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him; and when tried by jury shall have the right to challenge jurors peremptorily, the number of challenges to be fixed by law.—*La.* (1898), *Art.* 10.

Sec. 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him;

To have compulsory process for obtaining witnesses in his favor;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or by the law of the land.—*Me.* (1819), *Art.* 1.

Art. 21. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment, or charge in due time (if required) to prepare for his defense; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.—*Md.* (1867), *Dec. of Rights*.

Art. 1. No subject shall be held to answer for any crimes or offense, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defense by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, dispoiled, or deprived of his property, immunities, or privileges, put of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.—*Mass.* (1780), *Part* 1.

Sec. 6. In all criminal prosecutions the accused shall enjoy the

right to a speedy and public trial, by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense.—*Minn.* (1857), *Art.* 1.

Sec. 26. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature the court may, in its discretion, exclude from the courtroom all persons except such as are necessary in the conduct of the trial.—*Miss.* (1890), *Art.* 3.

Sec. 22. In criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witness in his behalf; and a speedy, public trial by an impartial jury of the county.—*Mo.* (1875), *Art.* 2.

Sec. 16. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of venue for any of the causes for which the defendant may obtain the same.—*Mont.* (1889), *Art.* 3.

Sec. 11. In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.—*Neb.* (1875), *Art.* 1.

Art. 15. No subject shall be held to answer for any crime or offense until the same is fully and plainly, substantially and formally, described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defense by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or de-

prived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of life, liberty, or estate, but by the judgment of his peers or the laws of the land.—*N. H., Part. 1, Art. 15.*

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.—*N. J. (1844), Art. 1.*

Sec. 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this state may keep with the consent of congress in time of peace, and in cases of petit larceny, under the regulations of the legislature), unless on presentment or indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.—*N. J. (1894), Art. 1.*

Sec. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defense, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.—*N. C. (1875), Art. 1.*

Sec. 13. In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.—*N. Dak. (1889), Art. 1.*

Sec. 10. Except in cases of impeachment, and cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and in cases of petit larceny and other inferior offenses, no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district, in which the of-

fense is alleged to have been committed; nor shall any person be compelled, in any criminal case, to be a witness against himself, or be twice put in jeopardy for the same offense.—*Ohio* (1851), *Art. 1*.

Sec. 20. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed: *Provided*, That the venue may be changed to some other county of the state, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his behalf. He shall have the right to be heard by himself and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment or information, together with their postoffice addresses.—*Okla.* (1907), *Art. 2*.

Sec. 11. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.—*Ore.* (1857), *Art. 1*.

Sec. 9. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property unless by the judgment of his peers or the law of the land.—*Pa.* (1873), *Art. 1*.

Sec. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defense, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers, or the law of the land.—*R. I.* (1842), *Art. 1*.

Sec. 14. Every man being presumed innocent, until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.—*R. I.* (1842), *Art. 1*.

Sec. 18. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury; and to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process

for obtaining witnesses in his favor, and to be fully heard in his defense by himself or by his counsel or by both.—*S. C.* (1895), *Art.* 1.

Sec. 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.—*S. Dak.* (1889), *Art.* 6.

Sec. 9. That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.—*Tenn.* (1870), *Art.* 1.

Sec. 32. That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners shall be provided for.—*Tenn.* (1870), *Art.* 1.

Sec. 10. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel or both; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.—*Tex.* (1875), *Art.* 1.

Sec. 12. In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to be confronted by the witnesses against him, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, and the right to appeal in all cases. In no instance shall any accused person, before final judgment, be compelled to advance money or fees to secure the rights herein guaranteed. The accused shall not be compelled to give evidence against himself; a wife shall not be compelled to testify against her husband, nor a husband against his wife, nor shall any person be twice put in jeopardy for the same offense.—*Utah* (1896), *Art.* 1.

Art. 10. That in all prosecutions for criminal offenses, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.—*Vt.* (1793), *Chap.* 1.

Sec. 22. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.—*Wash.* (1889), *Art.* 1.

Sec. 7. In all criminal prosecutions, the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and in prosecution by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.—*Wis.* (1848), *Art.* 1.

Sec. 10. In all criminal prosecutions the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.—*Wyo.* (1889), *Art.* 1.

Sec. 16. No person arrested and confined in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.—*Wyo.* (1889), *Art.* 1.

IMMUNITY AFTER ACQUITTAL; RIGHT OF BAIL.

(101) Sec. 29. *No person after acquittal upon the merits shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties except for murder and treason when the proof is evident or the presumption great.*—*Mich.* (1850), *Art.* 6.

Sec. 9. That no person shall, for the same offense, be twice put in

jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any advantage by reason of such discharge of the jury.—*Ala.* (1901), *Art.* 1.

Sec. 16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.—*Ala.* (1901), *Art.* 1.

Sec. 19. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.—*Colo.* (1876), *Art.* 2.

Sec. 12. No person shall be subject to be twice put in jeopardy for the same offense, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken without just compensation.—*Fla.* (1885), *Bill of Rights*.

Sec. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.—*Ind.* (1851), *Art.* 1.

Sec. 14. All prisoners shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great; and the privileges of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it; nor in any case, but by the legislature.—*Conn.* (1818), *Art.* 1.

Sec. 12. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is positive or the presumption great; and when persons are confined on accusation for such offenses their friends and counsel may at proper seasons have access to them.—*Del.* (1897), *Art.* 1.

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great.—*Fla.* (1885), *Bill of Rights*.

Sec. 1. Par. 8. No person shall be put in jeopardy of life, or liberty, more than once for the same offense, save on his, or her, own motion for a new trial after conviction, or in case of mistrial.—*Ga.* (1877), *Art.* 1.

Sec. 6. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—*Idaho* (1889), *Art.* 1.

Sec. 7. All persons shall be bailable by sufficient sureties, except

for capital offenses, where the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.—*Ill.* (1870), *Art.* 2.

Sec. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.—*Ind.* (1851), *Art.* 1.

Sec. 12. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great.—*Iowa* (1857), *Art.* 1.

Sec. 9. All persons shall be bailable by sufficient sureties except for capital offenses, where proof is evident of the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.—*Kan.* (1859), *Bill of Rights*.

Sec. 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.—*Ky.* (1891), *Bill of Rights*.

Sec. 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.—*Ky.* (1891), *Bill of Rights*.

Sec. 8. No person, for the same offense, shall be twice put in jeopardy of life or limb.—*Me.* (1819), *Art.* 1.

Sec. 10. A person charged with any of the following crimes, where the proof is evident and the presumption great, cannot be admitted to bail under this section before conviction, viz:—Treason, murder, rape, burglary, robbery, when armed with a dangerous weapon.—*Me.* (1819), *Art.* 1.

Sec. 22. No person's life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.—*Miss.* (1890), *Art.* 3.

Sec. 24. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.—*Mo.* (1875), *Art.* 2.

Sec. 19. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.—*Mont.* (1889), *Art.* 3.

Sec. 9. All persons shall be bailable by sufficient sureties, except for treason and murder, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—*Neb.* (1875), *Art.* 1.

Sec. 12. No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.—*Neb.* (1875), *Art.* 1.

Sec. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.—*Nev.* (1864), *Art.* 1.

Art. 16. No subject shall be liable to be tried, after an acquittal, for the same crime or offense; nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.—*N. H., Part 1, Art.* 16.

Sec. 10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.—*N. J.* (1844), *Art.* 1, *Sec.* 10.

Sec. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.—*N. Dak.* (1889), *Art.* 1, *Sec.* 6.

Sec. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.—*Ohio* (1851), *Art.* 1.

Sec. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof of guilt is evident, or the presumption thereof is great.—*Okla.* (1907), *Art.* 2.

Sec. 12. No person shall be put in jeopardy twice for the same offense, nor be compelled in any criminal prosecution to testify against himself.—*Ore.* (1857), *Art.* 1.

Sec. 14. Offenses, except murder and treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident or the presumption strong.—*Ore.* (1857), *Art.* 1.

Sec. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended,

unless when in case of rebellion or invasion the public safety may require it.—*Pa.* (1873), *Art.* 1.

Sec. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offenses punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever without the authority of the general assembly.—*R. I.* (1842), *Art.* 1.

Sec. 20. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.—*S. C.* (1895), *Art.* 1.

Sec. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.—*S. D.* (1889), *Art.* 6.

Sec. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.—*Tenn.* (1870), *Art.* 1.

Sec. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence in such manner as may be prescribed by law.—*Tex.* (1875), *Art.* 1.

Sec. 14. No person, for the same offense shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.—*Tex.* (1875), *Art.* 1.

Sec. 8. All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption strong.—*Utah* (1896), *Art.* 1.

Sec. 109. The general assembly shall provide by whom, and in what manner, applications for bail shall be heard and determined.—*Va.* (1902), *Art.* 6.

Sec. 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.—*Wash.* (1889), *Art.* 1.

TREASON AND CONVICTION THEREOF.

(102) Sec. 30. *Treason against the state shall consist only in levying war against or in adhering to its enemies, giving them aid and com-*

fort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.—*Mich.* (1850), *Art.* 6.

Sec. 18. That treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.—*Ala.* (1901), *Art.* 1.

Sec. 14. Treason against the state shall only consist in levying and making war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Ark.* (1874), *Art.* 2.

Sec. 20. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.—*Cal.* (1880), *Art.* 1.

Sec. 9. That treason against the state can consist only in levying war against it, or in adhering to the enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption of blood or forfeiture of estates; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death.—*Colo.* (1876), *Art.* 2.

Sec. 4. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.—*Conn.* (1818), *Art.* 9.

Sec. 3. Treason against this state shall consist only in levying war against it, or in adhering to the enemies of the government, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Del.* (1897), *Art.* 6.

Sec. 23. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood or forfeiture of estate.—*Fla.* (1885), *Dec. of Rights.*

Sec. 2. Par. 2. Treason against the state of Georgia shall consist in levying war against her, adhering to her enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court.—*Ga.* (1877), *Art.* 1.

Sec. 5. Treason against the states shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture of estate.—*Idaho* (1889), *Art.* 5.

Sec. 28. Treason against the state shall consist only in levying war against it, and giving aid and comfort to its enemies.—*Ind.* (1851), *Art.* 1.

Sec. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.—*Ind.* (1851), *Art.* 1.

Sec. 16. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.—*Iowa* (1857), *Art.* 1.

Sec. 13. Treason shall consist only in levying war against the state, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.—*Kan.* (1859), *Bill of Rights*.

Sec. 229. Treason against the commonwealth shall consist only in levying war against it, or in adhering to its enemies giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.—*Ky.* (1891), *Sec.* 229.

Art. 162. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, on his confession in open court.—*La.* (1898), *Art.* 162.

Sec. 12. Treason against this state shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.—*Me.* (1819), *Art.* 1.

Sec. 9. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and

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comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Minn.* (1857), *Art.* 1.

Sec. 10. Treason against the state shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Miss.* (1890), *Art.* 3.

Sec. 13. That treason against the state can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the general assembly; that no conviction can work corruption or blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.—*Mo.* (1875), *Art.* 2.

Sec. 9. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the legislative assembly; no conviction shall work corruption of blood or forfeiture of estate; the estates of persons who may destroy their own lives shall descend or vest as in cases of natural death.—*Mont.* (1889), *Art.* 3.

Sec. 14. Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Neb.* (1875), *Art.* 1.

Sec. 19. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. And no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Nev.* (1864), *Art.* 1.

14. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*N. J.* (1844), *Art.* 1.

Sec. 5. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No conviction of treason or attainder shall work corruption of blood or forfeiture.—*N. C.* (1875), *Art.* 4.

Sec. 19. Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.—*N. Dak.* (1889), *Art.* 1.

Sec. 16. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Okla.* (1907), *Art.* 2.

Sec. 24. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid, or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.—*Ore.* (1857), *Art.* 1.

Sec. 22. Treason against the state shall consist alone in levying war or in giving aid and comfort to enemies against the state. No person shall be held guilty of treason, except upon testimony of at least two witnesses to the same overt act, or upon confession in open court.—*S. C.* (1895), *Art.* 1.

Sec. 25. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.—*S. D.* (1889), *Art.* 6.

Sec. 22. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.—*Tex.* (1875), *Art.* 1.

Sec. 19. Treason against the state shall consist only in levying war against it, or in adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act.—*Utah* (1896), *Art.* 1.

Sec. 27. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in getting them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.—*Wash.* (1889), *Art.* 1.

Sec. 6. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort.

No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. Treason shall be punished, according to the character of the acts committed, by the infliction of one or more of the penalties, of death, imprisonment or fine, as may be prescribed by law.—*W. Va.* (1872), *Art.* 2.

Sec. 10. Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.—*Wis.* (1848), *Art.* 1.

Sec. 26. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person be attainted of treason by the legislature.—*Wyo.* (1889), *Art.* 1.

EXCESSIVE BAIL OR FINES; CRUEL OR UNUSUAL PUNISHMENT; DETENTION OF WITNESSES.

(103) Sec. 31. *Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted, nor shall witnesses be unreasonably detained.*—*Mich.* (1850), *Art.* 6.

Sec. 15. That excessive fines shall not be imposed nor cruel or unusual punishment inflicted.—*Ala.* (1901), *Art.* 1.

Sec. 9. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishment be inflicted; nor witnesses be unreasonably detained.—*Ark.* (1874), *Art.* 2.

Sec. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.—*Cal.* (1880), *Art.* 1.

Sec. 17. That no person shall be imprisoned for the purpose of securing his testimony in any case longer than may be necessary in order to take his deposition. If he can give security he shall be discharged; if he cannot give security, his deposition shall be taken by some judge of the supreme, district or county court, at the earliest time he can attend, at some convenient place by him appointed for that purpose, of which time and place the accused and the attorney prosecuting for the people, shall have reasonable notice. The accused shall have the right to appear in person and by counsel. If he have no counsel, the judge shall assign him one in that behalf only. On the completion of such examination the witness shall be discharged on his own recognizance, entered into before

said judge, but such deposition shall not be used if, in the opinion of the court, the personal attendance of the witness might be procured by the prosecution, or is procured by the accused. No exception shall be taken to such deposition as to matters of form.—*Colo.* (1876), *Art.* 2.

Sec. 20. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—*Colo.* (1876), *Art.* 2.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed.—*Conn.* (1818), *Art.* 1.

Sec. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and in the construction of jails a proper regard shall be had to the health of prisoners.—*Del.* (1897), *Art.* 1.

Sec. 8. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.—*Fla.* (1885), *Dec. of Rights.*

Sec. 1. Par. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; nor shall any person be abused in being arrested, while under arrest, or in prison.—*Ga.* (1877), *Art.* 1.

Sec. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.—*Ind.* (1851), *Art.* 1.

Sec. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.—*Ind.* (1851), *Art.* 1.

Sec. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.—*Ind.* (1851), *Art.* 1.

Sec. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.—*Iowa* (1857), *Art.* 1.

Sec. 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.—*Ky.* (1891), *Bill of Rights.*

Art. 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. All persons shall be bailable by sufficient sureties, unless for capital offenses where the proof is evident or presumption great, or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor.—*La.* (1898), *Art.* 12.

Sec. 9. Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offense; excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishment inflicted.—*Me.* (1819), *Art.* 1.

Art. 16. That sanguinary laws ought to be avoided as far as it is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter.—*Md.* (1867), *Dec. of Rights.*

Art. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the courts of law.—*Md.* (1867), *Dec. of Rights.*

Art. 26. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.—*Mass.* (1780), *Part* 1.

Sec. 5. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.—*Minn.* (1857), *Art.* 1.

Sec. 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.—*Miss.* (1890), *Art.* 3.

Sec. 29. Excessive bail shall not be required; and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.—*Miss.* (1890) *Art.* 3.

Sec. 25. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.—*Mo.* (1875), *Art.* 2.

Sec. 17. No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appearance at the time of trial he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the manner prescribed by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof. Any deposition authorized by this section may be received as evidence on the trial, if the witness shall be dead or absent from the state.—*Mont.* (1889), *Art.* 3.

Sec. 20. Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted.—*Mont.* (1889), *Art.* 3.

Sec. 24. Laws for the punishment of crime shall be founded on the principles of reformation and prevention, but this shall not affect the power of the legislative assembly to provide for punishing offenses by death.—*Mont.* (1889), *Art.* 3.

Sec. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.—*Nev.* (1864), *Art.* 1.

Art. 18. All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves and to commit the most flagrant with as little compunction as they do the lightest offenses. For the same reason, a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishment being to reform, not to exterminate, mankind.—*N. H.*, *Part* 1, *Art.* 18.

Art. 33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.—*N. H.*, *Part* 1, *Art.* 33.

Sec. 15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.—*N. J.* (1844), *Art.* 1.

Sec. 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.—*N. Y.* (1894), *Art.* 1.

Sec. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.—*N. C.* (1875), *Art.* 1.

Sec. 1. The following punishments only shall be known to the laws of this state, viz.: Death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this state. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the state; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the state.—*N. C.* (1875), *Art.* 11.

Sec. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the general assembly shall so enact.—*N. C.* (1875), *Art.* 11.

Sec. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.—*Okla.* (1907), *Art.* 2.

Sec. 13. No person arrested or confined in jail shall be treated with unnecessary rigor.—*Ore.* (1857), *Art.* 1.

Sec. 15. Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.—*Ore.* (1857), *Art.* 1.

Sec. 16. Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense. In all criminal cases whatever, the jury shall have the right to determine the law and the facts, under the direction of the court, as to the law, and the right of new trial, as in civil cases.—*Ore.* (1857), *Art.* 1, *Sec.* 16.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed nor cruel punishments inflicted.—*Pa.* (1873), *Art.* 1.

Sec. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offense.—*R. I.* (1842), *Art.* 1.

Sec. 19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted, nor shall witnesses be unreasonably detained. Corporal punishment shall not be inflicted. The power to punish for contempt shall not in any case extend to imprisonment in the state penitentiary.—*S. C.* (1895), *Art.* 1.

Sec. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.—*S. D.* (1889), *Art.* 6.

Sec. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.—*Tenn.* (1870), *Art.* 1.

Sec. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—*Tenn.* (1870), *Art.* 1.

Sec. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law.—*Tex.* (1875), *Art.* 1.

Sec. 9. Excessive bail shall not be required; excessive fines shall not be imposed; nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.—*Utah* (1896), *Art.* 1.

Sec. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—*Va.* (1902), *Art.* 1.

Sec. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.—*Wash.* (1889), *Art.* 1.

Sec. 5. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. Penalties shall be proportioned to the character and degree of the offense. No person shall be transported out of, or forced to leave the state for any offense committed within the same; nor shall any person, in any criminal case, be compelled to be a witness against himself, or be twice put in jeopardy of life or liberty for the same offense.—*W. Va.* (1872), *Art.* 3.

Sec. 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.—*Wis.* (1848), *Art.* 1.

Sec. 12. No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.—*Wyo.* (1889), *Art.* 1.

Sec. 14. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishment be inflicted.—*Wyo.* (1889), *Art.* 1.

Sec. 15. The penal code shall be framed on the humane principles of reformation and prevention.—*Wyo.* (1889), *Art.* 1.

WITNESS AGAINST SELF; DUE PROCESS OF LAW.

(104) Sec. 32. *No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.*—*Mich.* (1850), *Art.* 6.

Sec. 18. That no person shall be compelled to testify against himself in a criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after the verdict or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.—*Colo.* (1876), *Art.* 2.

Sec. 25. That no person shall be deprived of life, liberty or property, without due process of law.—*Colo.* (1876), *Art.* 2.

Sec. 10. No person shall be arrested, detained, or punished, except in cases clearly warranted by law.—*Conn.* (1818), *Art.* 1.

Sec. 1. Par. 3. No person shall be deprived of life, liberty or property, except by due process of law.—*Ga.* (1877), *Art.* 1.

Sec. 1. Par. 6. No person shall be compelled to give testimony tending in any way to criminate himself.—*Ga.* (1877), *Art.* 1.

Sec. 2. No person shall be deprived of life, liberty or property without due process of law.—*Ill.* (1870), *Art.* 2.

Sec. 10. No person shall be compelled in any criminal case to give evidence against himself, or to be twice put in jeopardy for the same offense.—*Ill.* (1870), *Art.* 2.

Sec. 18. All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.—*Kan.* (1859), *Bill of Rights*.

Art. 2. No person shall be deprived of life, liberty or property, except by due process of law.—*La.* (1898), *Art.* 2.

Art. 11. No person shall be compelled to give evidence against himself in a criminal case, or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in this constitution.—*La.* (1898), *Art.* 11.

Art. 22. That no man ought to be compelled to give evidence against himself in a criminal case.—*Md.* (1867), *Dec. of Rights*.

Art. 23. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.—*Md.* (1867), *Dec. of Rights*.

Art. 10. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary; but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.—*Mass.* (1780), *Part 1, Art.* 10.

Sec. 2. No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than in the punishment of crime, whereof the party shall have been duly convicted.—*Minn.* (1857), *Art.* 1.

Sec. 14. No person shall be deprived of life, liberty or property except by due process of law.—*Miss.* (1890), *Art.* 3.

Sec. 23. That no person shall be compelled to testify against himself

in a criminal cause, nor shall any person, after being once acquitted by a jury, be again, for the same offense, put in jeopardy of life or liberty; but if the jury to which the question of his guilt or innocence is submitted fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or, if the state of business will permit, at the same term; and if judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.—*Mo.* (1875), *Art.* 2.

Sec. 30. That no person shall be deprived of life, liberty or property, without due process of law.—*Mo.* (1875), *Art.* 2.

Sec. 18. No person shall be compelled to testify against himself, in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense.—*Mont.* (1889), *Art.* 3.

Sec. 27. No person shall be deprived of life, liberty or property without due process of law.—*Mont.* (1889), *Art.* 3.

Sec. 3. No person shall be deprived of life, liberty or property, without due process of law.—*Neb.* (1875), *Art.* 1.

Art. 12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty, and property. He is, therefore, bound to contribute his share in the expense of such protection, and to yield his personal service, when necessary, or an equivalent, but no part of a man's property shall be taken from him or applied to public uses without his own consent or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they or their representative body have given their consent.—*N. H.*, *Part* 1, *Art.* 12.

Sec. 1. No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.—*N. Y.* (1894), *Art.* 1.

Sec. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land.—*N. C.* (1875), *Art.* 1.

Sec. 7. No person shall be deprived of life, liberty or property, without due process of law.—*Okla.* (1907), *Art.* 2.

Sec. 21. No person shall be compelled to give evidence which will tend to incriminate him, except as in this constitution specifically provided; nor shall any person, after having been once acquitted by a jury, be again put in jeopardy of life or liberty for that of which he has been acquitted. Nor shall any person be twice put in jeopardy of life or liberty for the same offense.—*Okla.* (1907), *Art.* 2.

Sec. 13. No man in a court of common law shall be compelled to give evidence criminating himself.—*R. I.* (1842), *Art.* 1.

Sec. 5. The privileges and immunities of citizens of this state and of the United States under this constitution shall not be abridged, nor shall any person be deprived of life, liberty of property without due process of law, nor shall any person be denied the equal protection of the law.—*S. C.* (1895), *Art.* 1.

Sec. 2. No person shall be deprived of life, liberty or property without due process of law.—*S. D.* (1889), *Art.* 6.

Sec. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.—*S. D.* (1889), *Art.* 6.

Sec. 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.—*Tenn.* (1870), *Art.* 1.

Sec. 19. No citizen of this state shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.—*Tex.* (1875), *Art.* 1.

Sec. 7. No person shall be deprived of life, liberty or property, without due process of law.—*Utah* (1896), *Art.* 1.

Sec. 8. That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offense, but an appeal may be allowed to the commonwealth in all prosecutions for the violation of a law relating to the state revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusations, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty: *Provided, however,* That in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the general assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without a jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or con-

finement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.—*Va.* (1902), *Art.* 1.

Sec. 11. That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the general assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace, or to not less than seven in cases not so cognizable.—*Va.* (1902), *Art.* 1.

Sec. 3. No person shall be deprived of life, liberty or property without due process of law.—*Wash.* (1889), *Art.* 1.

Sec. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.—*Wash.* (1889), *Art.* 1.

10. No person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers.—*W. Va.* (1872), *Art.* 3.

Sec. 6. No person shall be deprived of life, liberty or property without due process of law.—*Wyo.* (1889), *Art.* 1.

Sec. 11. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.—*Wyo.* (1889), *Art.* 1.

IMPRISONMENT FOR DEBT OR MILITIA FINE.

(105) Sec. 33. *No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers, or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.*—*Mich.* (1850), *Art.* 6.

Sec. 20. That no person shall be imprisoned for debt.—*Ala.* (1901), *Art.* 1.

Sec. 16. No person shall be imprisoned for debt in any civil action, or mesne or final process, unless in cases of fraud.—*Ark.* (1874), *Art.* 2.

Sec. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of wilful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.—*Cal.* (1880), *Art.* 1.

Sec. 12. That no person shall be imprisoned for debt, unless upon

refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases of tort where there is a strong presumption of fraud.—*Colo.* (1876), *Art.* 2.

Sec. 16. No person shall be imprisoned for debt except in case of fraud.—*Fla.* (1885), *Dec. of Rights*.

Sec. 1. Par. 21. There shall be no imprisonment for debt.—*Ga.* (1877), *Art.* 1.

Sec. 2. Par. 6. The general assembly shall have the power to provide for the punishment of fraud; and shall provide, by law, for reaching property of the debtor concealed from the creditor.—*Ga.* (1877), *Art.* 1.

Sec. 15. There shall be no imprisonment for debt in this state except in cases of fraud.—*Idaho* (1889), *Art.* 1.

Sec. 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.—*Ill.* (1870), *Art.* 2.

Sec. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.—*Iowa* (1857), *Art.* 1.

Sec. 16. No person shall be imprisoned for debt except in cases of fraud.—*Kan.* (1859), *Bill of Rights*.

Sec. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.—*Ky.* (1891), *Bill of Rights*.

Sec. 38. No person shall be imprisoned for debt.—*Md.* (1867), *Art.* 3.

Sec. 12. No person shall be imprisoned for debt in this state but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law: *Provided, however,* That all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same: *And, provided further,* That such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.—*Minn.* (1857), *Art.* 1 (*Amdt.* 1898).

Sec. 16. That imprisonment for debt shall not be allowed, except for the non-payment of fines and penalties imposed for violation of law.—*Mo.* (1875), *Art.* 2.

Sec. 30. There shall be no imprisonment for debt.—*Miss.* (1890), *Art.* 3.

Sec. 12. No person shall be imprisoned for debt except in the manner prescribed by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.—*Mont.* (1889), *Art.* 3.

Sec. 20. No person shall be imprisoned for debt in any civil action on mesne or final process unless in cases of fraud.—*Neb.* (1875), *Art.* 1.

Sec. 17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.—*N. J.* (1844), *Art.* 1.

Sec. 16. There shall be no imprisonment for debt in this state, except in cases of fraud.—*N. C.* (1875), *Art.* 1.

Sec. 15. No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.—*N. Dak.* (1889), *Art.* 1.

Sec. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.—*Ohio* (1851), *Art.* 1.

Sec. 13. Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.—*Okla.* (1907), *Art.* 2.

Sec. 19. There shall be no imprisonment for debt except in case of fraud or absconding debtors.—*Ore.* (1857), *Art.* 1.

Sec. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.—*Pa.* (1873), *Art.* 1.

Sec. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison, after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.—*R. I.* (1842), *Art.* 1.

Sec. 24. No person shall be imprisoned for debt except in cases of fraud.—*S. C.* (1895), *Art.* 1.

Sec. 15. No person shall be imprisoned for debt arising out of or founded upon a contract.—*S. D.* (1889), *Art.* 6.

Sec. 18. The legislature shall pass no law authorizing imprisonment for debt in civil cases.—*Tenn.* (1870), *Art.* 1.

Sec. 18. No person shall ever be imprisoned for debt.—*Tex.* (1875), *Art.* 1.

Sec. 16. There shall be no imprisonment for debt, except in cases of absconding debtors.—*Utah* (1896), *Art.* 1.

Sec. 33. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over, bona fide, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offenses, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offenses.—*Vt.* (1793), *Chap.* 2.

Sec. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.—*Wash.* (1889), *Art.* 1.

Sec. 16. No person shall be imprisoned for debt, arising out of, or founded on a contract, expressed or implied.—*Wis.* (1848), *Art.* 1.

Sec. 5. No person shall be imprisoned for debt except in cases of fraud.—*Wyo.* (1889), *Art.* 1.

COMPETENCY OF WITNESSES.

(106) Sec. 34. *No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.*—*Mich.* (1850), *Art.* 6.

Sec. 9. In trials of contested elections and in proceedings for the investigation of elections no person shall be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.—*Ark.* (1874), *Art.* 3.

Sec. 2. In civil actions no witness shall be excluded because he is a party to the suit or interested in the issue to be tried: *Provided*, That in actions by or against executors, administrators or guardians in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other as to any transactions with or statements of the testator, intestate or ward, unless called to testify thereto, by the opposite party: *Provided, further*, That this section may be amended or replaced by the general assembly.—*Ark.* (1874), *Schedule*.

Sec. 7. No person shall be rendered incompetent as a witness, in consequence of his opinion on matters of religion.—*Ind.* (1851), *Art.* 1.

Art. 184. Any person may be compelled to testify in any lawful proceeding against anyone who may be charged with having committed the

offense of bribery, and shall not be permitted to withhold his testimony upon the ground that it may criminate him or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony.—*La.* (1898), *Art.* 184.

Sec. 53. No person shall be incompetent, as a witness on account of race or color, unless hereafter so declared by act of the general assembly.—*Md.* (1867), *Art.* 3.

Sec. 27. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with an offense against the law of the state, shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the state; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence.—*Okla.* (1907), *Art.* 2.

Sec. 6. No person shall be rendered incompetent as a witness or juror in consequence of his opinions on matters of religion, nor be questioned in any court of justice touching his religious belief, to affect the weight of his testimony.—*Ore.* (1857), *Art.* 1.

Sec. 5. No person shall be disqualified to give evidence in any of the courts of this state on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.—*Tex.* (1875), *Art.* 1.

STYLE OF PROCESS.

(107) Sec. 35. *The style of all process shall be, "In the name of the people of the state of Michigan."*—*Mich.* (1850), *Art.* 6.

Sec. 170. The style of all processes shall be "The state of Alabama," and all prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the state."—*Ala.* (1901), *Art.* 6.

Sec. 49. All writs and other judicial process shall run in the name of the state of Arkansas, bear test and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the peace and dignity of the state of Arkansas."—*Ark.* (1874), *Art.* 7.

Sec. 20. The style of process shall be "the people of the state of California," and all prosecutions shall be conducted in their name and by their authority.—*Cal.* (1880), *Art.* 6.

Sec. 30. All process shall run in the name of "The people of the state
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of Colorado;" all prosecutions shall be carried on in the name and by the authority of "The people of the state of Colorado," and conclude, "against the peace and dignity of the same."—*Colo.* (1876), *Art.* 6.

Sec. 35. The style in all process and public acts shall be "the state of Delaware." Prosecutions shall be carried on in the name of the state.—*Del.* (1897), *Art.* 4.

Sec. 37. The style of all process shall be "The state of Florida," and all prosecutions shall be conducted in the name and by the authority of the state.—*Fla.* (1885), *Art.* 5.

Sec. 33. All process shall run: In the name of the people of the state of Illinois; and all prosecutions shall be carried on: In the name and by the authority of the people of the state of Illinois; and conclude: Against the peace and dignity of the same. "Population," wherever used in this article, shall be determined by the next preceding census of this state, or of the United States.—*Ill.* (1870), *Art.* 6.

Sec. 18. All criminal prosecutions shall be carried on in the name, and by the authority of the state; and the style of all processes shall be, "The state of Indiana."—*Ind.* (1851), *Art.* 7.

Sec. 8. The style of all process shall be "The state of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.—*Iowa* (1857), *Art.* 5.

Sec. 17. The style of all process shall be "The state of Kansas," and all prosecutions shall be carried on in the name of the state.—*Kan.* (1859), *Art.* 3.

Sec. 123. The style of process shall be, "The commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude against the peace and dignity of the same.—*Ky.* (1891), *Bill of Rights*.

Art. 5. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.—*Mass.* (1780), *Part 2, Chap.* 6.

Sec. 14. Legal pleadings and proceedings in the courts of this state shall be under the direction of the legislature. The style of all process shall be, "The state of Minnesota," and all indictments shall conclude, "against the peace and dignity of the state of Minnesota."—*Minn.* (1857), *Art.* 6.

Sec. 169. The style of all process shall be "The state of Mississippi," and all prosecutions shall be carried on in the name and by the authority

of the "state of Mississippi," and all indictments shall conclude "against the peace and dignity of the state."—*Miss.* (1890), *Art.* 6.

Sec. 38. All writs and process shall run and all prosecutions shall be conducted in the name of the "state of Missouri;" all writs shall be attested by the clerk of the court from which they shall be issued; and all indications shall conclude, "against the peace and dignity of the state."—*Mo.* (1875), *Art.* 6.

Sec. 27. The style of all process shall be "the state of Montana" and all prosecutions shall be conducted in the name and by the authority of the same.—*Mont.* (1889), *Art.* 8.

Sec. 24. All process shall run in the name of "the state of Nebraska," and all prosecutions shall be carried on in the name of "the state of Nebraska."—*Neb.* (1875), *Art.* 6.

Sec. 13. The style of all process shall be "the state of Nevada," and all prosecutions shall be conducted in the name and by the authority of the same.—*Nev.* (1864), *Art.* 6.

Art. 86. All writs issuing out of the clerk's office in any of the courts of law, shall be in the name of the state of New Hampshire, shall be under the seal of the court whence they issue, and bear teste of the chief, first or senior justice of the court; but when such justice shall be interested, then the writ shall bear teste of some other justice of the court to which the same shall be returnable; and be signed by the clerk of such court.—*N. H., Part 2, Art.* 86.

Art. 87. All indictments, presentments, and informations shall conclude, "against the peace and dignity of the state."—*N. H., Part 2, Art.* 87.

Sec. 97. The style of all process shall be "the state of North Dakota." All prosecutions shall be carried on in the name and by the authority of the state of North Dakota, and conclude "against the peace and dignity of the state of North Dakota."—*N. Dak.* (1889), *Art.* 4.

Sec. 20. The style of all process shall be "the state of Ohio;" all prosecutions shall be carried on, in the name, and by the authority, of the state of Ohio; and all indictments shall conclude, "against the peace and dignity of the state of Ohio."—*Ohio* (1851), *Art.* 4.

Sec. 23. The style of all process shall be "the commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."—*Pa.* (1873), *Art.* 5.

Sec. 31. All writs and processes shall run and all prosecutions shall be conducted in the name of the state of South Carolina; all writs shall be attested by the clerk of the court from which they shall be issued; and all indictment shall conclude "against the peace and dignity of the state."—*S. C.* (1895), *Art.* 5.

Sec. 38. All process shall run in the name of the "state of South Dakota." All prosecutions shall be carried on in the name of and by authority of the "state of South Dakota."—*S. D.* (1889), *Art.* 5.

Sec. 12. All writs and other process shall run in the name of the state of Tennessee, and bear teste and be signed by the respective clerks. Indictments shall conclude, "against the peace and dignity of the state."—*Tenn.* (1870), *Art.* 6.

Sec. 18. The style of all process shall be "the state of Utah," and all prosecutions shall be conducted in the name and by the authority of the same.—*Utah* (1896), *Art.* 8.

Sec. 32. All prosecutions shall commence, by the authority of the state of Vermont; all indictments shall conclude with these words, against the peace and dignity of the state. And all fines shall be proportioned to the offences.—*Vt.* (1793), *Chap.* 2.

Sec. 106. Writs shall run in the name of the "commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the commonwealth."—*Va.* (1902), *Art.* 6.

Sec. 27. The style of all process shall be, "the state of Washington," and all prosecutions shall be conducted in its name and by its authority.—*Wash.* (1889), *Art.* 4.

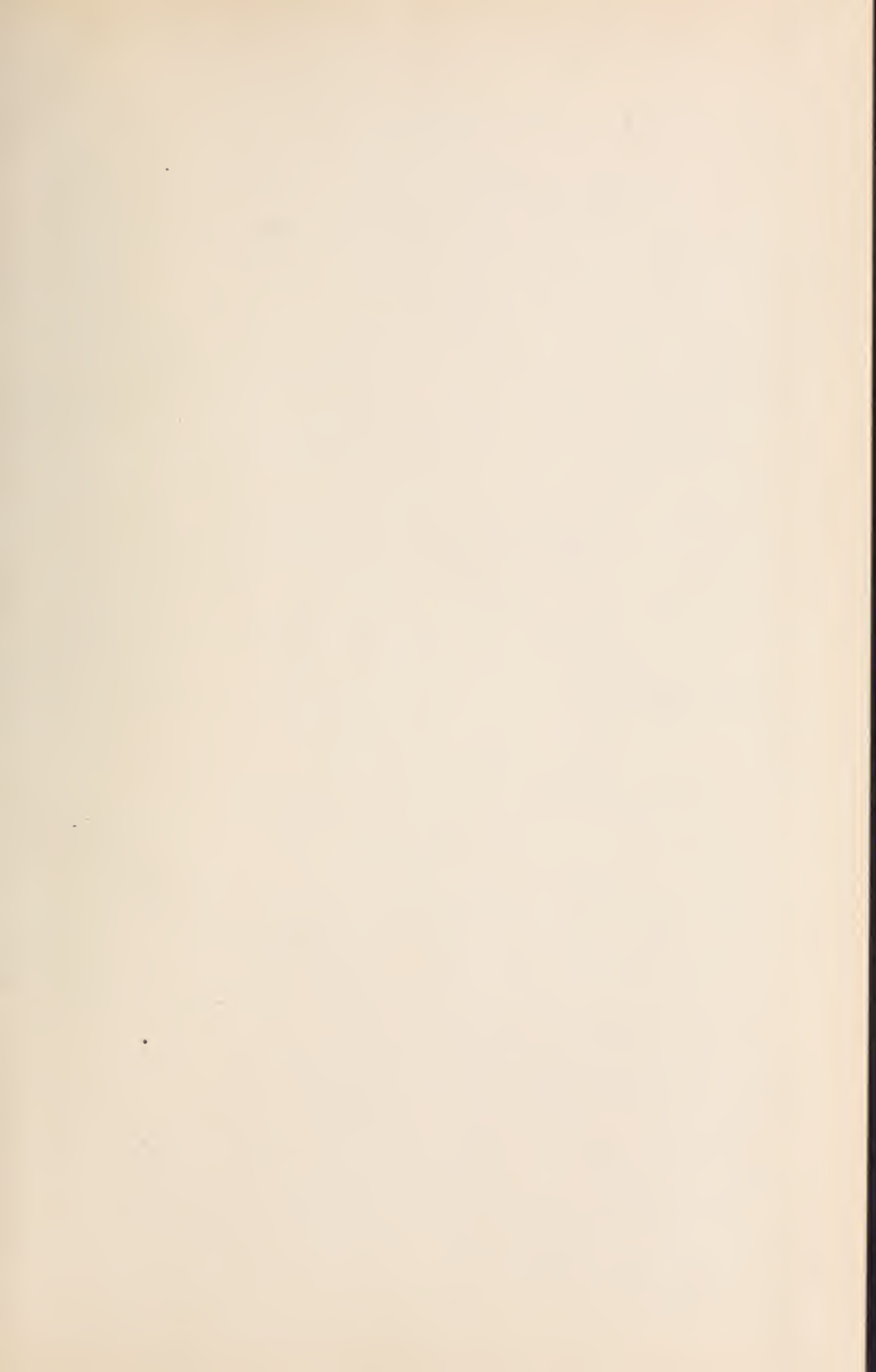
Sec. 17. The style of all writs and process shall be, "the state of Wisconsin"; all criminal prosecutions shall be carried on in the name and by the authority of the same; and all indictments shall conclude against the peace and dignity of the state.—*Wis.* (1848), *Art.* 7.

Sec. 8. Writs, grants and commissions, issued under the authority of this state shall run in the name of, and official bonds shall be made payable to the state of West Virginia. Indictments shall conclude, "against the peace and dignity of the state."—*W. Va.* (1872), *Art.* 2.

Sec. 15. The style of all process shall be "the state of Wyoming." All prosecutions shall be carried on in the name and by the authority of the state of Wyoming, and conclude "against the peace and dignity of the state of Wyoming."—*Wyo.* (1889), *Art.* 5.

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